

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA,

PASSED AT ITS FIRST SESSION,

Which was begun and held in the town of Huntsville, on Monday, the twenty-fifth day of October, one thousand eight hundred and nineteen, and ended the seventeenth day of December the same year.

WILLIAM W. BIBB, Governor—THOMAS BIBB, President
of the Senate—JAMES DELLET, Speaker of
the House of Representatives



HUNTSVILLE:

PRINTED BY JOHN BOARDMAN.

1820

PHOTO-FACSIMILE REPRINT

53 copies only

T. L. COLB, WASHINGTON, D. C.

July, 1912

ACTS

OF THE

Legislature of Alabama.

An act to regulate the proceedings in the Courts of Law and Equity in this State.

SECTION I. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, this State shall be, and hereby is, divided into five Judicial Circuits, whereof the counties of Mobile, Baldwin, Washington, Clarke, Monroe and Conecuh, shall compose the first Circuit; the counties of Henry, Butler, Wilcox, Dallas, Autauga and Montgomery, shall compose the second Circuit: the counties of Marengo, Greene, Perry, Cahawba, Tuscaloosa and Jefferson, shall compose the third Circuit; the counties of Limestone, Lauderdale, Franklin, Lawrence and Marion, shall compose the fourth Circuit: and the counties of Blount, Shelby, St. Clair, Colaco, Jackson and Madison, shall compose the fifth Circuit.

State divided
into five Judi-
cial Circuits.

Sec. 2. *And be it enacted,* That the Circuit Courts shall be holden twice annually, in each of the counties composing the several Circuits, at the following times and places, viz:—**THE FIRST CIRCUIT**, in Conecuh county, on the second Mondays in March and September: in the county of Monroe, on the third Mondays in March and September: in the county of Clarke, on the first Mondays in April and October: in the county of Washington, on the second Mondays in April and October; in the county of Baldwin, on the third Mondays in April and October; in the county of Mobile, on the fourth Mondays in April and October:—**SECOND CIRCUIT**, in the county of Montgomery, on the third Mondays in January and July; in the

Circuit Courts
twice annually.

Courts in first
circuit when
held.

when in second
circuit.

county of Autauga, on the fourth Mondays in January and July in the county of Dallas, on the second Mondays in February and August; in the county of Wilcox, on the third Mondays in February and August; in the county of Butler, on the fourth Mondays in February and August; in the county of Henry, on the first Monday after the fourth Monday in February and August — **THIRD CIRCUIT**,—in the county of Jefferson, on the second Mondays in March and September; in the county of Cahawba, on the third Mondays in March and September; in the county of Perry, on the fourth Mondays in March and September; in the county of Marengo, on the first Mondays after the fourth Mondays in March and September; in the county of Greene, on the second Mondays after the fourth Mondays in March and September; in the county of Tuscaloosa, on the third Mondays after the fourth Mondays in March and September — **FOURTH CIRCUIT**,—in the county of Marion, on the last Mondays in January and July; in the county of Franklin, on the first Mondays in February and August in the county of Lawrence, on the second Mondays in February and August; in the county of Lauderdale, on the third Mondays in February and August; in the county of Limestone, on the fourth Mondays in February and August — **FIFTH CIRCUIT**,—in the county of Madison, on the first Mondays in March and September; in the county of Jackson, the third Mondays in March and September; in the county of Catoosa, the fourth Mondays in March and September; in the county of Blount, the first Mondays after the fourth Mondays in March and September; in the county of St Clair, the second Mondays after the fourth Mondays in March and September; in the county of Shelby, the third Mondays after the fourth Mondays in March and September.

when in third
circuit,

when in fourth
circuit.

when in fifth
circuit.

Sec. 3. *Be it enacted*, That the Circuit Courts shall be holden by one Judge, who shall have been elected or appointed, and qualified, in manner and form prescribed by the Constitution: and shall have cognizance, and legal jurisdiction, of all pleas, real, personal, and mixed,—And also of all suits and demands, relative to legacies, filial portions, and estates of intestates: all pleas of the state, and criminal matters, of what nature, degree or denomination soever, whether brought before them by original or mesne process, or by *certiorari*, writ of error, appeal from any inferior court, or by any other ways or means whatsoever: And the Circuit Courts are hereby declared to have as full power and authority, to give judgment, and to award execution, and all other necessary process thereupon, as heretofore belonged to the Superior Courts of law and equity in the Territory and to have, use, exercise, and enjoy, the same powers and authorities, rights, privileges, and

Circuit Courts
holden by one
Judge.

jurisdiction, &c.

powers, &c.

pre-eminences, as were had, used, exercised, and enjoyed, by the said Superior Courts heretofore: except, where it is otherwise directed by this or some other act. or, where such authorities, rights, privileges or pre-eminences, or any of them, may be inconsistent with, or repugnant to, the present form of government. Exceptions.

Sec. 4 *Be it enacted*, That where any Circuit Judge shall fail to attend, on the first day of any term, the business thereof shall stand adjourned until the second day; and if the Judge fails to attend on the second day, the business shall stand adjourned until the third day: and if the Judge does not attend, before the hour of three o'clock in the evening of the third day, it shall be the duty of the Sheriff to adjourn all suits, causes, and prosecutions there- in depending, to the next succeeding term of the Circuit Court: and the Clerk of such Court, shall enter on his docket, a continuance of all such suits and causes, and shall bind over all witnesses on behalf of the State, to appear at the next term of the said Court, unless previously bound over: *Provided*, that nothing herein contained, shall be so construed, as to prevent the parties from making up their pleadings, on the appearance causes. Circuit courts how adjourned in absence of the judge.
When the sheriff shall adjourn suits, &c.
Clerk to continue suits & causes on the docket to next term and bind over witnesses.
Proviso.

Sec. 5. *And be it enacted*, That the Clerk or Attorney issuing process, shall mark thereon, the day on which such process issued: and the Sheriff, or other officer receiving the same, in order to execute, shall in like manner, mark on each process, the day on which he received it: and every Clerk, Attorney, Sheriff, or other officer, neglecting so to do shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt, in any court of record having cognizance thereof, by any person, who will sue for the same, with costs. Duty of the clerk or attorney issuing process.
Sheriff's duty in executing.
Forfeiture for neglect.

Sec. 6. *And be it enacted*. That all writs and other process (except subpoenas for witnesses, returnable immediately,) shall be returned the first day of the term, to which the same shall be returnable, and shall be executed at least five days before the beginning of such term; and if any original or mesne process shall be taken out, within five days before the beginning of any term, such process shall be made returnable to the term next succeeding that, which shall commence within five days after taking out such process, and not otherwise: and all process made returnable at any other term, or executed at any other time, or in any other manner, than by this act is directed, shall be adjudged void, upon the plea of the defendant: *Provided nevertheless*, that nothing herein contained shall be construed, to invalidate or vacate any process, warrant or precept, to be issued by any of the Judges of the said court, or any Justice of the Peace, or Clerk of any court, on any original prosecution in behalf of the State, but, that the same may be issued at any Writs, &c., when returnable.—
and when executed.
Process not duly returnable or executed, void.
Proviso.
Warrants, etc. in behalf of the State returnable to any day of the court

time, and made returnable to any day of the term : and the
Proceedings in like proceedings on criminal suits and prosecutions, shall
criminal suits be agreeable to the practice heretofore in use in the Terri-
as heretofore torial Government, except where the same is, or may be
under the terri- torial Government, otherwise directed, by this or some other act.
torial gov't.

Sec. 7. *And be it enacted,* That the following rules and
Rules and regula- regulations shall be observed in the said courts, until other-
tions in the wise directed by law, viz : That every plaintiff, or his at-
courts as to torney when employed in any suit, in any of the Circuit
plaintiff or at- Courts of this State, shall file his declaration in the clerk's
torney. office, any time within the first three days of the term,
Shall file decla- to which the writ is made returnable ; and on failure there-
ration within of such suit shall be dismissed by the court, at the cost of
the first three the plaintiff: *Provided nevertheless,* that the Judge, on good
days of term. cause shewn, may grant a longer time, which cost being
Proviso. paid by the plaintiff to the clerk of said court, he or they,
Judgemay grant paying such cost in consequence of a declaration not being
longer time, filed in due time, as aforesaid, may warrant such attorney,
plaintiff paying for all such cost paid by him as aforesaid, and the receipt
cost, of the clerk shall and may be evidence in support of such
attorney liable claim ; and the Justice before whom such warrant shall be
for such cost. tried, may give judgment and issue execution thereon ; and
attorney liable such attorney shall be further liable to the action of such
to plaintiff in plaintiff, for such damages, as he or they may have sustain-
damages for not ed, in consequence of such declaration not having been fil-
filing declaration ed as aforesaid. The defendant shall appear and plead or
When defend't demur, within the three first days after the time allowed
shall appear and for filing declaration, otherwise the plaintiff may have
plead or demur. judgment by default, which in actions of debt, shall be final
Pt'f may have unless where damages are suggested on the roll : and in
judgment on that case, and in all others not herein specially provided for,
default thereof when the recovery shall be in damages, a writ of enquiry
except in dam- shall be executed at the next succeeding term. *Provided,*
ages. that where the nature of the actions require special plead-
Writ of enquiry ing, the time for pleading may be enlarged ; where the de-
in damages fendant pleads specially, the plaintiff shall reply or demur,
when executed. within three days, after the time allowed for filing the de-
Proviso. claracion, or a *non pros* may be entered by the defendant ;
Where the time and if the plaintiff replies and in his replication tenders an
of pleading may issue, the defendant shall join issue or demur in three days,
be enlarged. otherwise the plaintiff may have judgment : and where the
 defendant rejoins to the plaintiff's replication, he shall file
 his rejoinder within three days, or judgment shall go a-
 gainst him, unless the term for pleading shall be enlarged
 as aforesaid, and the same time shall be given, and rules
 observed, through the whole course of the proceedings : *Pro-*
vided, that in every case the pleadings shall be made up
 during the term, to which the process is returned, unless
 the time be extended by the consent of parties, their attornies
 or by direction of the court ; where a special verdict shall

Proviso.

be found, a case agreed, a demurer filed, or a bill of exceptions to the evidence tendered, the court may, for a good cause shewn, continue the same until the next term, for argument. For the better preservation of the records of the courts, where any cause is finally determined, the clerk of each court shall enter all the proceedings therein, in a book bound, and make an entire and perfect record thereof. All jury causes shall be first tried; all motions in arrest of judgment, shall be argued within the three last days of the term, in which the issue shall be tried; the defendant's attorney first serving the plaintiff's attorney, with a copy of the reasons in arrest of judgment, the day immediately following that, on which such motion shall be made: arguments on writs of error, special verdicts, cases agreed, demurrers, petitions for legacies, and distributions of intestates' estates shall be heard during the four last days of the term.

Clerk to record proceedings.

Order of proceedings.

When a plea in abatement, shall be pleaded, and upon argument the same shall be adjudged insufficient, the plaintiff shall recover, against the defendant, full costs to the time of overruling such plea, including the costs of court: and a defendant in any action, may plead as many several matters as may be necessary for his defence, so that he be not admitted, to plead and demur to the whole.

Plea in abatement.

Sec. 8. *And be it enacted*, That when the Circuit Judges shall have been elected, in manner prescribed by the Constitution, they shall be commissioned by the Governor, and shall hold the Circuit Courts, at the times and places, in this act mentioned, and shall reside within the circuit to which they may be severally elected; and in case of the removal of any such Judge out of the circuit, to which he is elected, his office shall be vacated thereby: *Provided*, that nothing in this act contained, shall be so construed, as to prevent the interchange of ridings by such Judges in their several circuits, in the manner hereafter pointed out; that is to say, the Judges holding the courts aforesaid, shall so alternate, that no one Judge shall hold the courts of the same circuit for two courts in succession, unless called on to do so, by the Judge, whose duty it may be to hold such circuit, on account of sickness or other inability to attend.

Circuit Judge.

To interchange.

Sec 9. *And be it enacted*. That when the Clerk of any Circuit Court shall give a certified copy of any decree judgment, record, or proceeding of any Superior Court of Law and Equity, heretofore existing the papers and records of which may be delivered to him, pursuant to the directions of this act, the same faith and credit shall be given to such certified copy, as to a certified copy of any record, or proceeding of the Circuit Court, to which said Clerk may belong and it shall be the duty of the Clerks of said Superior Courts of Law and Equity, to transfer all the proceedings, suits and causes, within the same, to the Circuit Courts

Clerk to certify copy of record.

of the respective counties, in which such Superior courts have been holden: and all process, heretofore issued, or which may be hereafter issued, returnable to the Superior Courts previous to the commencement of the first terms of the Circuit Courts, within their respective circuits, shall be returned to the first term of said Circuit Courts respectively.

**Process return-
able to superior
courts to be re-
turned to cir-
cuit courts.** Sec. 10 *And be it enacted.* That the Sheriffs of the different counties, shall be the Sheriffs of the Circuit Courts, within their respective counties, and the Sheriff of the county, in which the Supreme Court shall be holden, shall also be the Sheriff of the said Supreme Court.

**Sheriffs of coun-
ties to be sher-
iffs of Circuit
courts.** Sec. 11. *And be it enacted,* That the common Jail of each county shall be the Jail of the Circuit Court for the said county: *Provided, however,* That nothing in this act contained, shall be so construed as to prevent civil officers, judges, justices, &c. from transferring prisoners to the nearest Jail which is good and sufficient, when the Jail of the county where such prisoner may be arrested shall be considered insufficient.

**Jails of counties
to be jails of cir-
cuit courts-** Sec. 12 *And be it enacted,* That Judges of the Circuit Courts within their respective circuits, at or before the first trial term of any suit, civil or criminal, shall have power to change the venue thereof, on good and sufficient cause set forth and duly supported by oath or affirmation, and when a change of venue shall be allowed in any suit the trial thereof shall be adjourned under the direction of the Judge, to the nearest adjoining county, which is free from the like exception and the trial of such cause in the court to which it may be adjourned, shall be by a jury of freeholders or householders: *Provided,* That such change of venue shall in no instance be allowed, more than once in the same cause or suit. *Provided also,* That in criminal prosecutions the right to change venue under the provisions of this section, shall be confined to the party prosecuted.

**Change of ven-
ue,** **Proviso,** Sec. 13. *And be it enacted.* That the Judges of the Circuit Courts, within their respective circuits, shall set apart a particular day or particular days, of each term, for the trial of criminal causes, and all fines inflicted, and forfeitures accruing in the several Circuit Courts, shall go to, and be applied to the use of the county, in which they may be thus inflicted, or shall accrue and the said Judges at their discretion, shall have power on the application of any person charged with a criminal offence, to hold a special session for the trial of such person: and the said Judges shall direct the Sheriff of the county, in which such special session shall be holden to return thereto, twenty-four persons, properly qualified to serve as jurors, who shall be selected in the manner now prescribed by law in such cases, any or all of whom failing to attend, or being challenged or set aside, a jury of the bystanders shall be empannelled for the trial of the cause.

**Certain days to
be set apart for
trial of criminal
causes,**

Sec 14 *And be it enacted,* That the Clerks of the several Circuit Courts shall give bond with security, payable to the Governor and his successors in office, in the penalty of ten thousand dollars, for the safe keeping of the records, and the faithful discharge of the duties of his office. which said bond shall be lodged in the office of the Secretary of State, and may be put in suit on the assignment of the Governor, by the party or parties injured, in his, or their own name, and shall not become void upon the first recovery; but may from time to time be put in suit by action of debt, until the whole penalty be recovered: and if it shall be discovered that any of the said clerks shall have violated the oath prescribed by the Constitution, or willingly or corruptly have done any thing, contrary to the true intent and meaning of the same, such clerk shall be deemed upon conviction, guilty of misbehaviour in office, and shall be removed therefrom, and shall forever be incapable of holding any office civil or military in the State

Clerks to give bond,

Sec. 15. *Be it enacted,* That the records of the respective courts within this State for each preceding day of every session, shall be read in open court on the morning of the succeeding day, except on the last day of the term, on which day they shall be signed by the Judge or Judges presiding in said court.

Records of courts to be read in open court,

Sec 16 *Be it enacted,* That either party may appeal from any final judgment or decree of any Circuit Court during the term at which the judgment or decree was rendered, to the Supreme Court, upon entering into bond with security to be approved of by the court, in double the amount of the debt or damages in such, his, or their suit for prosecuting the same with effect, or performing the judgment, sentence or decree which the Supreme Court shall pass or make thereon, in case the appellant shall have the cause decided against him: and the appellant shall file a transcript of the record with the clerk of the Supreme Court, on or before the third day of the first term of said Supreme Court, after the appeal was granted, and on failure thereof, the appeal shall be dismissed with costs and damages upon the appellee's producing a certificate from the clerk of the Circuit Court of the amount of the judgment or decree, and that bond had been executed according to the order of the court granting the appeal: *Provided,* That for good cause shewn, the appeal may be reinstated any time during the term, upon payment of costs.

Appeals from circuit court.

Provided,

Sec 17. *And be it enacted.* That the equity jurisdiction heretofore belonging to the Superior Courts of Law and Equity in the Territorial Government, shall be, and hereby is vested in the Circuit Courts of this State.

Equity jurisdiction,

Sec 18 *And be it enacted,* That the said court (when a bill praying a review of the proceedings, in which a decree shall

To stay proceedings for review,

have been pronounced shall be presented. may upon such bill and the circumstances of the case as the same shall appear satisfactory, direct the proceedings on such decree to be stayed until a decree on the said *bill of review* shall be made, or until further order of said court or the said court may refuse to grant a stay of proceedings, in that case as may seem right: *Provided*, That said court may in either of said cases direct such security to be given, and in such places, as is usual in cases of injunction, or such other security as may seem reasonable: *Provided*, That no *bill of review*, shall be brought on motion made therefor, except it be within three years from the time of pronouncing such decree, saving to infants, *femes covert*s, persons *non compos mentis*, persons imprisoned or beyond seas, a right to move a bill of review within three years after such disability shall have been removed.

Proviso,

Proviso,

Judges of circuit court to hold supreme court.

Sec. 19. *And be it enacted*, That the Supreme Court for this State, both in Law and Equity, shall be held by, and the powers of the same shall be vested in, and its duties shall be performed by the Judges of the several Circuit Courts; and they or a majority of them shall hold the sessions of said court at Cahawba, twice in each and every year, the first session to begin on the second Monday in May, and the second session to begin on the second Monday in November; and the said Court shall continue to hold their sessions until the business thereof be completed, or the Judges or a majority of them may deem it expedient and necessary to rise, for the purpose of attending to their respective Circuit Courts; and the said sessions of the Supreme Court shall be holden on the same days in each and every year, until otherwise by law directed. And the said Judges, shall at their first session, appoint one of their own body, Chief Justice of the Supreme Court, which appointment shall be entered of record; and in case of his absence at any succeeding time, one of the Judges present shall be appointed Chief Justice *pro tempore*, and all orders of the court, shall be signed by him: *Provided always*. That one Judge, or, if no Judge appears, the Sheriff may adjourn the court from day to day, until a sufficient number of Judges appear, to constitute a court, if that shall be before the sixth day of the term; at which time, if a sufficient number of Judges do not appear, to form a court, the Judge or Sheriff, (as the case may be) shall adjourn the court to the next stated term, to which term all cases shall stand continued.

Sheriff to adjourn the court from day to day until judges appear,

Writs of error to lie from c'ts of error and appeals to circuit courts,

Sec. 20. *And be it enacted*. That writs of error shall lie from the courts of errors and appeals, to the respective circuit courts throughout the State; and it shall be the duty of the Judges, or any one of them on application, either in vacation or term time, to grant such writ of error, and to take good and sufficient security from the party demanding

the same, that the said party shall prosecute his writ to effect, and answer all damages and costs, if he fails to make his plea good : and in all cases bottomed on a contract, note, agreement, or liquidated account, where the judgment of the Circuit Court may be affirmed, fifteen per cent. damages shall be allowed the party, in whose favor judgment was awarded in the court below.

Party demand-
ing writ of er-
ror to give secu-
rity,
15 per cent dam-
ages allowed in
certain cases

Sec. 21. *And be it enacted,* That when any judgment, decision, or decree of the Circuit Court, shall be reversed, or affirmed, in the court of errors and appeals, it shall be the duty of said court, to pass such judgment, decision or decree, as the circuit court shall have passed except where the damages to be assessed, or matter to be decreed, are uncertain : in which case, the said court shall remand the same for final hearing

Sec. 22. *And be it enacted,* That the Judges of courts of errors and appeals, as well as the circuit court Judges, shall, as to the decisions on all material points, file their opinions in writing, among the papers of the cause, in which such opinion may be given, within ten days after such opinion may be delivered : and when a writ of error shall be allowed, to reverse the judgment of any circuit court in any cause, the clerk thereof shall send a transcript of the opinion of the Judge, to the court of errors and appeals, as a part of the record of the cause, properly certified.

Judges of the
court of appeals
and circuit judg-
es shall file their
opinions in writ-
ing

Sec. 23. *And be it enacted.* That it shall be the duty of the Judges of the court of errors and appeals, at the first term of said court, or as soon thereafter as may be practicable, to ordain and establish rules and regulations, for the government of the proceedings and practice in said court ; also to establish a regular and uniform practice throughout all the courts of record in the State : *Provided, however,* That the rules prescribed for the government of the circuit court, shall be in force, and govern the proceedings of the Supreme Court, until the said Judges of the Supreme Court shall establish such other rules, as are by this act directed.

When a writ of
error is allowed
clerk compelled
to send the o-
pinion of the
circuit judge
to the court of
appeals

Duty of judge
of the courts o
appeals to es-
tablish rules,

To establish a
uniform prac-
tice in all courts
of record in this
State

Sec. 24. *And be it enacted,* That all causes under the jurisdiction of this State, now pending in the General Court of the Territorial Government, be, and the same are, hereby transferred to the court of errors and appeals and that it shall be the duty of the clerk of the said court, to certify and transfer the same accordingly to the said court of errors and appeals, at the first session thereof, at the town of Cahawba. And the Supreme Court aforesaid, shall proceed, to hear and determine all such causes, except those which exclusively belong to the courts of the United States, and all writs of error, which have heretofore issued or may hereafter issue, returnable to the General Court, shall be returned to the first term of the Supreme Court, as in other cases.

All causes in
general court to
be transferred to
the court of ap-
peals

Writs issued to
general court re-
turnable to the
court of appeals

**Judges to ap-
point a clerk** **Sec. 25** *And be it enacted,* That it shall be the duty of the said Judges, at the first session of the said courts of errors and appeals, to appoint a clerk, to continue in office for the term of four years from and after the time of his appointment, and shall conform to the same regulations, and perform the same duties of office, in the same manner, and under the same penalties as, to the Clerks of the Circuit Courts, are by this act directed

**Inferior court
Established** **Sec. 26** *And be it further enacted,* That, from and after the passage of this act, there shall be established, in each and every county in this State, an Inferior Court, to consist of five Justices, to be appointed by the Legislature, and to hold their offices during good behavior: any three of whom, shall be competent to hold said court, and shall be styled Justices of the County Court.

When held **Sec. 27.** *And be it further enacted,* That the said court shall hold its terms quarterly, or four times in each and every year, in the several counties in this State, at the times following:

Mobile In the county of Mobile, on the first Mondays in June, February, March, and October:

Baldwin In the county of Baldwin, on the first Mondays in June, February, March, and October:

Clarke In the county of Clarke, on the first Mondays in February, August, May, and November:

Washington In the county of Washington, on the second Mondays in February, August, May and November:

Monroe In the county of Monroe, on the first Mondays in June, February, March and October:

Conecuh In the county of Conecuh, on the first Mondays in June, February, March and October:

Henry In the county of Henry, on the fourth Mondays in March, October, June, and December:

Butler In the county of Butler, on the fourth Mondays in March, October, June, and December:

Wilcox In the county of Wilcox, on the fourth Mondays in March, October, June, and December:

Marengo In the county of Marengo, on the second Mondays in February, April, July, and October:

Greene In the county of Greene, on the first Mondays in February, April, July, and October:

Perry In the county of Perry, on the third Mondays in February, April, July, and October:

Dallas In the county of Dallas, on the fourth Mondays in March, October, June, and December:

Antauga In the county of Antauga, on the fourth Mondays in March, October, June, and December:

Montgomery In the county of Montgomery, on the fourth Mondays in March, October, June, and December:

In the county of Cahawba, on the fourth Mondays in ^{Cahawba} February, April, July, and October;

In the county of Shelby, on the third Mondays in ^{Shelby} March, September, June, and December;

In the county of St Clair, on the second Mondays in ^{St Clair} March, September, January, and May;

In the county of Tuscaloosa, on the last Mondays in ^{Tuscaloosa} January, May, August, and November

In the county of Jefferson, on the first Mondays in ^{Jefferson} March, June, September, and December

In the county of Blount, on the first Mondays in ^{Blount} January, July, April, and November:

In the county of Catoosa, on the first Mondays in ^{Catoosa} February, May, August, and December;

In the county of Franklin, on the second Mondays in ^{Franklin} February, August, May, and November:

In the county of Marion, on the third Mondays in ^{Marion} February, August, May, and November:

In the county of Lawrence, on the first Mondays in ^{Lawrence} February, August, May, and November

In the county of Lauderdale, on the fourth Mondays in ^{Lauderdale} January, April, July, and October;

In the county of Limestone, on the third Mondays in ^{Limestone} January, April, July, and October:

In the county of Madison, on the fourth Mondays in ^{Madison} January, July, April, and November:

In the county of Jackson, on the third Mondays in ^{Jackson} January, July, April, and November: and the first and third terms of said courts, may continue in session, for and during the time of six judicial days, each unless the business ^{May continue six days} thereof shall be, in a shorter time, completed

Sec 28 *And be it further enacted.* That the said county courts shall, in addition to the jurisdiction heretofore given to the County court and Orphan's court in the Territorial Government, have concurrent jurisdiction, in ^{Jurisdiction in debt and assumpsit} all actions of debt and assumpsit, with the Circuit Courts, under the limitations prescribed by this act.

Sec 29 *And be it enacted.* That at the second and fourth terms of said court, in each and every year, it shall have that jurisdiction only, which has heretofore been exercised by the Orphan's court established under the Territorial government *Provided,* That such terms shall not exceed ^{Provide} three days each

Sec 30 *And be it enacted,* That the clerks of the Inferior courts shall be the clerks of the said courts, and shall give the same bond, and be liable to the same penalties, and be governed by the same regulations and restrictions, as ^{Clerk} clerks of the Circuit courts are

Sec 31 *And be it enacted.* That the same rules of practice, methods, and proceedings, shall be had, kept, and ob-

Rules of practice in circuit courts to be observed served, by the said County courts and the officers thereof, in granting, issuing, executing, and returning process, and awarding judgments, on judicial attachments, and the like remedy recovery, and relief, against the sheriff and bail, as in like cases are provided by law, in suits depending, or to be commenced in the circuit courts within this State.

Appeal **Appellant to give bond, etc.** **Provide** **Attorney to certify reasons of appeal** **Provide** **Clerk to transmit a copy of proceedings** **Provide** **wherein appellant shall pay damage**

Sec. 32. And be it enacted, That when any person or persons, either plaintiff or defendant, shall be dissatisfied with the judgment, sentence, or decree of any county court, he may pray an appeal from such sentence, judgment, or decree, to the circuit court of the county, wherein such county court shall be: but before obtaining the same, shall enter into bond with two sufficient securities for prosecuting the same with effect, and for performing the judgment, sentence, or decree, which the circuit court shall make thereon, in case such the appellant shall have the cause decided against him: *Provided,* That before the granting any appeal whatever, the attorney praying the same shall certify to the court in writing, reasons for his motion, with his opinion that the same are good and sufficient in law: *Provided,* That in all cases of appeal from the county court, the record of the proceedings shall be returned by the clerk of the said court, to the office of the clerk of the circuit court, twenty days previous to the term on which said appeal shall stand for trial, why such appeal ought to be granted; which certificate aforesaid, signed with the name of the said attorney, shall make part of the record, and be transmitted, with the other transcript of the cause to the circuit court aforesaid; *Provided,* That in all cases of appeal obtained as aforesaid, which shall not be prosecuted, or the court before whom such appeal may be determined, shall affirm the judgment of the court below, then shall the appellant be decreed to pay the appellee, fifteen per centum damages, from the passing of the judgment in the county court.

Manner of prosecuting writs of error **Rules in circuit courts to be observed in county courts**

Sec. 33. And be it enacted, That when any person shall be desirous of prosecuting a writ of error, from the county court, he shall move the court where such is, or hath been depending, to allow such writ of error, he first entering in to bond and security to the satisfaction of the court, to abide by, perform, and fulfil the judgment which shall be given in the court above: and the same rules and regulations in prosecuting such writs of error, shall be observed and practised in the county courts, as are prescribed for prosecuting writs of error from the circuit courts.

County courts to appoint guardians to idiots or lunatics

Sec. 34. And be it further enacted. That it shall and may be lawful for every county court within this State, where any idiots, or lunatics, shall be within the jurisdiction thereof to appoint them, or either of them, a guardian, taking bond with approved security for the faithful administration

of the trust reposed in such guardian, in the same manner, as bonds are taken from the guardians of orphans: and such guardian, when so appointed, shall continue during the pleasure of the court, and shall have the same power, to all intents, constructions and purposes, and shall be subject to the same rules, orders and restrictions, as guardians of orphans are: such lunacy to be ascertained by the ^{Lunacy to be} inquisition of a jury, by virtue of a writ to be issued by the ^{ascertained by} court, to the Sheriff of the county for that purpose. ^{a jury}

Sec 35. *And be it further enacted,* That the same mode ^{Mode of sum-} of summoning jurors, and requiring their attendance, and ^{moning jurors.} all other provisions relative thereto, as prescribed by the ^{What number} act of the Legislature of the Mississippi Territory, passed ^{of jurors shall} in the month of December, 1811, be, and the same are hereby, declared, to remain in full force and effect throughout this state: *Provided, however,* That in every case, the number of jurors to be summoned for the circuit court, shall, in no case, be less than thirty-six: and for the county courts, for the terms for the trial of causes in the counties respectively, throughout the State, the number of jurors shall not be less than twenty-four ^{be summoned}

Sec. 36. *And be it further enacted,* That the clerks of ^{Clerks and she-} the circuit and county courts, and sheriffs of the different ^{riffs shall keep} counties in this State, shall, after the first day of July next, ^{their offices at} keep their offices at the several court-houses or places of ^{the court house} holding courts therein, or within one mile thereof.

Sec 37. *And be it further enacted,* That when any suit shall be instituted, by any person or persons, as assignee ^{Assignees shall} or assignees of any bond or other writing, it shall not be ^{not prove as-} necessary for the plaintiff or plaintiffs to prove the assign- ^{signments of} ment or assignments, unless the defendant or defendants, ^{bonds, &c.} shall annex to the plea, denying such assignment or assignments, an affidavit stating, that such defendant or defendants verily believe, that some one or more of such assignments was forged: or make oath to the same effect in open court, at the time of filing such plea.

Sec 38. *And be it further enacted,* That in cases of ap- ^{Appeals from} peals from judgments of justices of the peace, the court, be- ^{justices how} fore whom such appeal shall be brought, shall proceed ^{tried.} to try the same according to the justice and equity of the case; without regarding any defect in the warrant, capias, summons, or other proceeding, of the Justice of the Peace before whom the same was tried.

Sec. 39. *And be it further enacted,* That when any judgment shall be entered up for the plaintiff by any Justice, ^{Forcible entry} on the trial of any cause for a forcible entry and detainer, ^{and detainer} or forcible or unlawful detainer, no writ of restitution shall be issued by said justice within twenty days from the day of entering up said judgment.

Judges of county courts to elect a chief justice.

Sec 40. *Be it further enacted*, That the Judges of county courts in each and every county, shall elect one of their own number, who shall preside, and be styled Chief Justice.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 14, 1819.

(Signed)

WM. W. BIBB.

An act supplementary to “an act regulating the proceedings of the courts of law and equity in this state,” passed the present session of the General Assembly.

Chief Justice of the county court—his powers. Sec. 1. *Be it enacted, by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Chief Justice of the county court of each county, shall be vested with the powers and perform the duties which heretofore appertained to the office of Chief Justice of the orphans and county court.

When and how records and papers are to be transfer'd from late to present county courts. Sec. 2. *And be it further enacted*, That the clerks of the several county courts, and registers of the several orphans courts, shall on the first day of January next, deliver over to the clerks of the county courts of their respective counties, all records and papers of said county and orphans courts, and from and after the said day, all causes and proceedings of said county and orphans court, shall be transferred to, and be heard and determined in, said county courts.

The powers and duties of clerks of county courts—what & when to commence. Sec. 3. *And be it further enacted*, That the clerk of the county courts of each county, as soon as he is qualified and enters on the duties of his office, as required by law, shall exercise and perform all the powers and duties, which heretofore by law appertained to the offices of clerk of the county court, and register of the orphans court.

Writs, when to bear test. Sec. 4. *And be it further enacted* That all writs returnable to any court of record shall bear test on the day on which the same shall be issued.

Clerks of the superior courts, to transfer papers and records to clerks of circuit courts. Sec. 5. *And be it further enacted*, That the clerks of the Superior Courts of each county, shall deliver over to the clerks of the circuit court of the same, all records, books, and papers belonging to the office of clerk of the Superior Court, and the clerks of the said circuit courts respectively shall keep the same in their care, in the same manner as the other records and papers of their respective offices.

Sec. 6. *And be it further enacted,* That this act shall be in force from and after the passage thereof. This act in force from its passage.

Sec. 7. *And be it further enacted,* That all the acts of any clerks elected under the Constitution, and who have acted as clerks of the Superior and County Courts shall be good in law and equity. Acts of clerks who entered on the duties of their offices before authorized rendered valid.

Sec. 8. *And be it further enacted,* That the Governor be, and he hereby is authorized, forthwith to issue writs of elections to some fit persons in those counties where there is no Sheriff or Clerks in said county or counties for the purpose of electing Sheriffs, Clerks, &c. And, that the magistrates and constables in commission, who may have fallen into any new county, other than the county or counties for which they were appointed and commissioned, in consequence of the division of counties, shall continue as such, and hold and exercise the duties of their respective offices until others shall be elected and qualified according to law. Gov'r to issue writs of election to new counties. Magistrates and Constables in commission who have fallen into new counties, to be continued as such.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate

Approved—Dec 17, 1819.

(Signed)

WM. W. BIBB.

An act to provide for the Organization and Disciplining of the Militia of the State of Alabama.

SECTION I. *BE it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all free white men and indented servants, between the age of eighteen and forty-five years, shall compose the militia of this State, Judges of the Supreme, Chancery, Circuit, and County Courts, Secretary of State, Treasurer, Comptroller, Attorney General, Solicitors to the different circuits, licensed Ministers of the Gospel of every denomination, public Ferry-men, Justices of the Peace, Postmasters who have the care of the mail of the United States, and Postriders shall be exempted from militia duty, except in cases of imminent danger, insurrection or invasion. Who liable to militia duty. Exceptions.

Sec. 2. *And be it further enacted,* That the militia of this State shall compose four Divisions, the first of which shall consist of the counties of Jackson, Madison, Limestone and Lauderdale; the second division shall be composed of the counties of Catoosa, Blount, St. Clair, Lawrence, Franklin, Marion, Tuscaloosa, Shelby and Jefferson; the third division shall be composed of the counties of Greene. Ma- First Division. Second Division. 3d Division.

4th Division		Marengo, Perry, Cahawba, Autauga, Montgomery, Dallas and Wilcox : the fourth division shall be composed of the counties of Monroe, Conecuh, Henry, Butler, Clarke, Washington, Baldwin, and Mobile : which divisions shall form
First Brigade.		nine Brigades the first of which shall be composed of the counties of Jackson and Madison ; the second, of Limestone and Lauderdale the third of the counties of Catoosa, Blount, and St Clair the fourth, of the counties of Lawrence, Franklin and Marion the fifth, of the counties of Tuscaloosa, Jefferson and Shelby the sixth of the counties of Greene, Marengo, Perry and Cahawba the seventh of the counties of Autauga, Montgomery, Dallas and Wilcox : the eighth, of the counties of Monroe, Conecuh, Henry and Butler ; the ninth, of the counties of Clarke, Washington, Baldwin and Mobile, each of which shall be commanded by a Brigadier-General each brigade shall consist of not less than two, nor more than five regiments : each regiment shall be commanded by a Colonel Commandant, and to be composed of two Battalions : the first of which shall be commanded by a Lieutenant-Colonel, the second battalion shall be commanded by a Major ; each battalion shall consist of not less than two, nor more than five companies : each company shall consist of not less than forty, nor more than one hundred and twenty privates, and shall be commanded by a Captain, First and Second Lieutenants, one Ensign, five Sergeants, four Corporals and two Musicians : the non-commissioned officers to be appointed by the officers of their respective companies
Second	Do	
Third	Do	
Fourth	Do	
Fifth	Do	
Sixth	Do	
Seventh	Do	
Eighth	Do	
Ninth	Do	
Regiments how formed.		
Battalions.		
Companies.		

Regiments how numbered. Sec. 3. The regiments of the Militia of this State shall be designated and numbered as follows, viz : The county of Jackson number one, the county of Madison number two and three, the county of Limestone four and five, the county of Cotaco six, the county of Lawrence seven and eight, the county of Franklin nine, that part of Lauderdale county lying east of Shoal Creek, shall compose regiment number ten, and that part lying west of said creek, shall compose regiment eleven, St. Clair twelve, Shelby thirteen, Blount fourteen, Jefferson fifteen, Marion sixteen. That Thomas C. Hunter, Dennis Duit, Thomas Williams, Joseph D. Harrison, and William Young are hereby appointed to divide the county of Tuscaloosa into two regiments, as nearly equal as possible, having in consideration population as well as extent, Tuscaloosa seventeen and eighteen, Greene nineteen, Marengo twenty, Cahawba twenty-one, Dallas twenty-two, Autauga twenty-three, Montgomery twenty-four, Henry twenty-five, that part of Monroe lying east of the Alabama river shall compose the twenty-sixth regiment, and that part lying west of the Alabama, shall compose the twenty-seventh regiment, Conecuh twenty-eight, Butler twenty-nine, Clarke thirty, Washington thir-

ny-one, Perry thirty-two. The northern regiment of Madison shall be the second regiment, the southern regiment of said county shall be the third regiment: the eastern regiment of Limestone shall be the fourth regiment, and the western regiment of said county shall be the fifth regiment: the northern regiment of Lawrence shall be the seventh regiment, the southern regiment of said county shall be the eighth regiment, and the line between the fifth and sixth townships shall be the dividing line of said regiments

Sec. 4. Major-Generals shall be elected by all the commissioned officers in the division; Brigadier-Generals shall be elected by all the commissioned officers of their respective brigades; Field officers shall be elected by all persons liable to do militia duty in their respective regiments: Captains and subalterns, by those persons liable to perform militia duty in their respective companies. All militia officers may hold their commissions during good behaviour. None shall be permitted to resign under three years, under the penalty of being ineligible to any military appointment for the next succeeding three years: and, in case any military officer may become a candidate at any election for a superior office and not be elected, his place shall not be vacated thereby.

Major and Brigadier Generals how elected.

Field Officers.

Captains, &c.

Sec. 5. The Adjutant-General and Quarter-Master-General shall always be elected by joint vote of both Houses of the General Assembly, and shall hold their offices for the term of four years: *Provided always*, That the Governor shall have power to fill any vacancy that may occur in the recess of the General Assembly, by appointments to expire at the end of the next session of the General Assembly succeeding such appointment: *Provided also*, That all general officers elected under this act shall be commissioned under the same date and draw for rank: *Provided*, That the commander in chief shall always in time of war fix their rank

Adj. and Q. M. General how elected.

Proviso

Proviso

Sec. 6. Major-Generals shall have power to appoint an Assistant Adjutant-General to their respective divisions, whose duty it shall be to receive returns of the strength and condition of the Militia from the Brigade Major, compile three copies of the same, lay them before the Major-General for his inspection, and transmit annually, two copies thereof to the Adjutant-General of the State, and retain the other copy in his own office. It shall also be his duty to make all details (in pursuance to orders from the Major-General) on the different brigades of their respective divisions, and keep a fair register of all the general orders and official acts of the Major-General, and lay the same when required, before any tribunal, before whom a Major-General may be tried on any charges exhibited against him. The Major-General shall appoint two Aids-de-camp, who shall have the rank of major, and perform such duties as

Maj. Gen. may appoint an assistant adjutant general. His duties.

Aid-de-camp

are performed by Aids of Major-Generals in the army of the United States.

Brigadier Gen.
may appoint
Brigade Staff

Duty of Bri-
gade Major.

Sec 7. Brigadier-Generals shall appoint their Brigade Staff, which shall consist of a Brigade Major with the rank of Major, an Aid-de-camp with the rank of Captain, a Brigade Quarter-Master, with the rank of Captain. It shall be the duty of the Brigade Major to attend Brigade drills when ordered, under the direction of the Adjutant-General by the Brigadier-General and drill the officers in conformity with the rules and regulations for the field exercise and manoeuvres of the infantry of the United States; to receive from the Adjutants of regiments in his brigade, returns of the strength and condition of the several regiments, and compile three fair copies thereof, which he shall submit to the Brigadier-General for his examination and inspection, two of which copies he shall annually transmit to the Adjutant General of the division, to which his brigade may be attached, and the other he shall retain in his own office; It shall also be his duty to make all details, in pursuance of orders from the Brigadier-General on the respective regiments of his brigade, and keep a fair register of all general orders and official acts of the Brigadier-General, and lay the same before any tribunal before whom the Brigadier-General may be tried on charges alleged, when required so to do. It shall be the duty of Aids-de-camp to perform such duties as are performed by Aids of Brigadier-Generals in the army of the United States. Brigade Quarter-Masters shall attend brigade drills, designate and lay off the ground for drilling and encamping the officers, take charge of all public stores committed to his care, and perform all other duties required of an Assistant Quarter-Master-General in the service of the United States.

Duty of Aids-de-
camp.

Brigade Q mas-
ters.

Assistant adj't
General his pay

Sec 8. The Assistant Adjutants General shall receive the sum of three dollars for each day they may be engaged in discharge of their respective duties, to be paid out of any money in the treasury not otherwise appropriated, on the certificate of a Major-General or Brigadier-General.

Duty of Major
General

Of Brig. Gene-
ral.

Of Colonels.

Sec 9. Major-Generals may review any corps of their division, when they may think proper. *Provided*, they shall not convene by special order any troops for that purpose. Brigadier-Generals shall review the different regiments of their brigades, once in each and every year. Major-Generals, or officers commanding divisions, shall receive and execute all orders from the Governor and Commander in Chief. Brigadier-Generals, or officers commanding brigades, shall receive and execute all orders from the Major-General, or officers commanding divisions. Colonels, or officers commanding regiments, shall receive and execute all orders from Brigadier-Generals, or officers commanding brigades. And officers commanding battalions and

companies shall receive and execute all orders from commanding officers of regiments.

Sec. 10 It shall be the duty of the Governor and Commander in Chief, to cause all the commissioned officers of the different brigades to meet at some convenient place, near the centre of the brigade, and have them drilled and encamped on the ground by the Adjutant-General, not less than four, nor more than six days, in each and every year; and the Governor shall give the Brigadier-General sixty days notice of such drills and encampments, and the Brigadier-General shall give thirty days notice of such drill and encampment, to the commanding officers of Regiments or battalions, as the case may be; and any officer failing or refusing to attend any of the aforesaid drills and encampments, shall be liable to be arrested and cashiered, in addition to the fines ascertained in the twenty-sixth section of this act. *Provided*, That all reasonable excuses shall be taken. *And provided furthermore*, That the Governor may at his discretion, when it will be greatly inconvenient to the officers of any brigade to assemble at one place for the purpose of drill and encampment, to divide and cause the drills to be at two different places, as convenient to the officers in the extremes of the brigades, as may be.

Officers to meet and be drilled.

Notice of drills

Penalty for not meeting.

Provided:

Sec. 11. The Governor shall detail general Courts Martial, for the trial of Major-Generals, who may have been guilty of any mutinous, unmilitary, or ungentlemanly conduct, or for any neglect or refusal to discharge his duty, which court shall consist of at least seven members, one of which shall be a Major-General. No sentence of a Court Martial, affecting the life of a Major-General, shall be executed, without the consent of four fifths of both Houses of the General Assembly nor shall any sentence not affecting the life of a Major General, be executed, until submitted to, and approved by the Governor.

Courts Martial how appointed

Sec. 12. When any of the Brigadier-Generals may have been guilty of any mutinous, unmilitary or ungentlemanly conduct, or any neglect or refusal to discharge his duty, the Major-General shall have power, and it is his duty to arrest the Brigadier-General, and detail a General Court Martial for his trial, to consist of seven members, one of whom at least shall be a Brigadier-General. No sentence of a Court Martial affecting the life of a Brigadier-General shall be executed, unless approved by four fifths of the whole number of both Houses of the General Assembly. nor shall any sentence not affecting the life of a Brigadier-General, be executed until submitted to, and approved by the Major General.

Brig. Generals, how tried.

Sec 13 Brigadier-Generals shall have power, and it is their duty to arrest any field officer under his command, on charge of unmilitary or ungentlemanly conduct, or neglect

Field Officers, how tried.

or refusal to discharge his duty, and detail a Court Martial for the trial of such Field officer, to consist of seven members, one at least of whom shall be of equal grade with the accused, and the balance, Field officers. No sentence of any court martial affecting the life of any Field officer shall be executed, until sanctioned by four fifths of the whole number of both Houses of the General Assembly, nor shall any sentence not affecting life, be executed, until submitted to and approved by the Brigadier-General.

Courts Martial, how organized. Sec. 14. Whenever any of the Courts Martial (Regimental Courts Martial excepted) provided for in this act, shall have been detailed and convened, the senior or superior officer shall be the president, and the court shall choose a Judge Advocate, who shall be sworn by the President, to a faithful and impartial performance of his duty, and to keep the proceedings of the court secret, until divulged by the officer ordering the same; the Judge Advocate shall then administer a similar oath to the President and members of the court.

Governor to appoint four aids. Sec. 15. The Governor shall have power to appoint four suitable persons, as his Aids-de-camp, who shall have the rank of Lieutenant Colonel, and serve the Governor in the same manner as aids of general officers do.

Adjutant General's rank and duties. Sec. 16. The Adjutant-General shall rank as Colonel of Cavalry: he shall receive from the Assistant Adjutants General of Divisions, all returns of the strength and condition of the Militia of this State, and make out four fair copies thereof, annually, lay one copy of the same before each branch of the General Assembly, and retain one copy in his own office, for the information of the Governor and Commander in Chief. He shall transmit all orders from the Governor, and in pursuance of his orders, make details on the several divisions of this State. He shall annually transmit to the Secretary of the War Department of the United States, a return of the strength and condition of the Militia of this State: he shall obey and execute all orders of the Governor: he shall attend at each brigade encampment, and train the officers under the direction of the Major-General, or Brigadier General, in the most approved evolutions, as directed for the discipline of the United States troops, and receive as compensation therefor, the sum of one thousand dollars.

Compensation

Duties of Q. M. General.

Sec. 17. The Quarter-Master General shall be charged with the care of all public stores, of arms, ammunition, tents, camp equipage, &c. And whenever any part of the militia of this State shall be called into actual service, he shall, on the requisition of the Governor, or officer commanding the detachment, furnish such article of arms, ammunition and camp equipage, as may be in his possession or power to procure; he shall perform all such duties (when

in the field) as are performed by Quarter Masters General in the army of the United States, and shall have the rank of Colonel of Infantry : he shall keep a register of all arms, accoutrements and military stores, belonging to the State ; he shall also take care, that the public arms and stores are not destroyed : he shall also take charge of all public arms and stores, as may be returned by any part of the militia of this State, who may have been in actual service : he shall at all times give to the Governor when required, an account of the quantity, state and condition of all arms, camp equipage and public stores that belong to the State, he shall give security in the sum of ten thousand dollars, for the faithful performance of his duty, and receive for his services annually, two hundred dollars Compensation.

Sec. 18. The Commander in Chief for the time being, Commander in chief may erect military posts may at his discretion, aid and assist the citizens of any portion of the State, in erecting temporary works and means of protection, and build such redoubts, and establish such military posts, as he shall deem necessary and best calculated to promote the common defence.

Sec. 19. The Commander in Chief for the time being, And remove military stores to places of safety. shall have authority to remove to some temporary place of safety, and deposit, such portion of the arms, ammunition, and military stores, at any time deposited in the arsenals of the State, as circumstances may appear to require, and when necessary in his opinion to provide and furnish sufficient guards to protect the public arsenals, until it be found expedient to call out into public service, detachments of the militia, on whom this duty may in part May call out militia devolve ; and it shall also be his duty from time to time to examine, or cause to be examined by some proper officer, the situation of the several arsenals throughout the State, to require security from the arsenal keepers, and to remove them for negligence, or other improper conduct, or for incapacity of performing the duties devolving on them as such, and to appoint, in case of removal, other persons to supply the vacancy thereby occasioned. Inspect arsenals

Sec. 20. Each commandant of a regiment of Militia in this State shall hold a regimental muster annually, at such Regimental musters. time and such place, as may be designated by the brigadier-general, who shall give thirty days notice to the commanding officer of the regiment of the time and place of holding such regimental muster : and each Battalion shall hold one muster in each and every year, at such time and place, near the Battalion musters centre of the bounds of the battalion, as may be directed by the commanding officer of the regiment, he giving the commanding officer of the battalion, twenty days notice of such muster.

Sec. 21. It shall be the duty of Adjutants of Regiments Duties of adjutants of reg'ts to attend all regimental or battalion musters, and assist

in preparing for review or evolution : he shall keep a register of the officers of the regiment, with their grades and of the strength and condition of each company, he shall obey all orders from the field officers of his regiment, and serve all notices or process directed to him on the officers of his regiment : he shall make annually, on or before the first Monday in July, to the Brigade Major, a complete return of the strength and condition of his regiment by battalions : he shall keep a record of all regimental or battalion orders, and of the proceedings of regimental and battalion courts martial, he shall keep a register of every officer and private, drafted or detailed for the service of the State, or the United States, muster, inspect and march to the place of rendezvous every detachment of detailed militia, and forward a complete return of them to the Brigade Major, he shall distribute to the captains or commanding officers of his regiment, such forms of returns as the Brigade Major may furnish him with, and each Adjutant shall receive such compensation, as the Regimental court martial shall think proper for his services to be paid by the Paymaster out of the fines collected, on order from the President of such court

Duties of Q M

Sec. 22. It shall be the duty of the Quarter Master, to attend all regimental and battalion musters, and under the direction of the commanding officer, choose a place of parade, and with a guard prevent disturbances from spectators, he shall on order from the commanding officer of the regiment, purchase instruments of music, colours &c. and draw on the Paymaster for the same.

Duties of Paymaster

Sec. 23. It shall be the duty of the Paymaster to attend regimental and battalion musters, and aid in the execution of the orders of the commanding officer. he shall receive all money collected for fines, by the sheriff or constable, and receipt for the same : he shall account to the regimental court martial, at every annual session, to the amount of fines received, and how expended he shall on order from the president of regimental courts martial, pay the Quarter Master and Adjutant for expences and services : he shall give sufficient security to the Colonel or commanding officer for the faithful performance of his duty, and shall retain six per centum out of the monies received, as compensation.

To give security

Sec. 24. the Adjutant, Quarter Master, and Paymaster shall rank as first Lieutenants, and the regimental staff in addition to them shall consist of a regimental Surgeon, two Surgeon's Mates, a Sergeant Major, a Quarter Master Sergeant, a Drum Major and Fife Major.

Rank of adjutant, quarter & pay master

Regimental Staff

Duty of Company officers

Sec. 25. It shall be the duty of Company officers, to hold Company musters, once in every two months, except the months of November, December, January, and February.

ry; to give ten days notice of every company, battalion or regimental muster, and advertising at the usual muster ground and six other public places in the bounds of his company, or in any newspaper circulating within the same, or notice given at one muster of the next company, battalion or regimental muster, shall be deemed sufficient notice of the same, and the commanding officer shall note down all delinquencies at company musters, and make a return on honour thereof, to the company court martial, and in like manner, make returns of delinquents at battalion or regimental musters, to battalion or regimental courts martial; he shall cause the company to be drilled in the step, the manual and the evolutions prescribed for the field exercise and manœuvres of the infantry of the United States.

Sec 26 The following fines shall without arrest be assessed on officers and privates, at the stated regimental battalion and company courts martial on a Colonel, for non-attendance at any regimental muster, drill of the officers, on a colonel regimental courts martial, or omitting to give notice of officers drills and musters, not less than twenty dollars, nor more than forty dollars; for failing to order battalion musters annually, not less than ten dollars, nor more than fifty dollars; for failing to order a regimental court martial, once a year, and give due notice and attending at such court, fifty dollars for failing to call out his regiment on an alarm, or failing to hold any draft, ordered, five hundred dollars for deficiency of any article of uniform, not less than five dollars nor more than twenty dollars, for neglecting to order music and colours to be purchased by the Quartermaster, and distributing the same, ten dollars; for neglecting to take bond from the Paymaster, five hundred dollars; for failing to arrest any officer of his regiment, for any offence before recited, or for unmilitary or ungentlemanly conduct, and failing to detail a special court martial to try such officer, one hundred dollars; for failing to return the Lieutenant Colonel, Major, Adjutant or any member of the staff for any offence, one hundred dollars On a Lieutenant Colonel or Major for non-attendance, at any field muster, drill of officers, regimental or battalion courts martial, for failing to give notice to his Captains or either of them, of any field muster, regimental or battalion courts martial, not less than ten dollars, nor more than forty dollars; for deficiency of any article of uniform, or arms, not less than five dollars, nor more than twenty dollars for failing to turn out his battalion on order, or executing any draft thereon, five hundred dollars for failing to order Battalion courts martial once in every year, fifty dollars; for failing to return any of his captains in default, to the regimental, or battalion court martial, twenty dollars: On an Adjutant, for failing to execute any one article of

To give notice of musters

Fines, how assessed

on a colonel

on a lieutenant colonel or major

on an adjutant

his duty, as enumerated in this act, any sum that the regimental court martial shall assess not less than twenty nor more than one hundred dollars for deficiency of any article of uniform, not less than five nor more than twenty dollars.

Quarter master On a Quarter-Master, for failing to attend regimental field musters and drills, not less than five nor more than fifteen dollars, and for failing to do any other item of his duty, enumerated in this act, such sum as the regimental court martial may assess, not exceeding fifty dollars:

Paymaster On a Paymaster for failing to attend Regimental musters and courts martial, not less than five, nor more than ten dollars; for failing to account with the regimental court martial, one thousand dollars: for failing in any other item of his duty as enumerated in this act, such sum not exceeding fifty dollars, as a regimental court martial may assess:

Captain or subaltern On a Captain or Subaltern for non-attendance, at any field or Company muster, drill of officers, Regimental or Battalion Courts martial, ten dollars: on a Captain, for failing to give notice of any field or company muster, twenty-five dollars for failing to drill his company as often as this act directs and give notice thereof to members and defaulters, twenty dollars: for deficiency in each and every article of uniform in any captain or subaltern, not less than five, nor more than twenty dollars for failing to appoint and notify non-commissioned officers, thirty dollars for not returning to the regimental or battalion court martial, his subalterns for default, ten dollars for failing to hear his company rolls called at each field or company muster, and to return all defaulters to the proper court martial, twenty-five dollars; for failing to appoint patrols duty, thirty dollars for failing to have every person liable to do militia duty in the bounds of his company enrolled, or neglecting to return any private that is unarmed, ten dollars for failing to make to his adjutant within ten days after the regimental muster annually, a complete return of the strength and condition of his company, fifty dollars:

Non-commissioned officer On a non-commissioned officer, for refusing to act, ten dollars: for failing to give any notice, serve any process or obey any orders of his superiors, five dollars for failing to make return in writing to his commanding officer of the manner he has executed any order, five dollars

or privates On non-commissioned officers, or privates, for non-attendance at any regimental or battalion muster, not less than one, nor more than three dollars: for non-attendance at company musters, not less than one, nor more than two dollars for deficiency of any article of arms at muster, one half dollar for refusing to turn out on order of his proper officer, in case of insurrection or invasion, seventy-five dollars; for failing to repair to the place of rendezvous when drafted or ordered into service, one hundred and fifty dollars;

and all the pains and penalties to which a deserter from the service of the United States is subject to; all of which fines shall be returned to the sheriff of the county in which the offender may reside for collection, by the president of the courts martial before whom they may be assessed:— How fines collected
Provided, all reasonable excuses shall be taken, and *Provided also*. That any defaulter returned may, previous to the fines being assessed, go before any Justice of the peace, and make oath or proof of his excuse for non-attendance at any muster which shall be read in evidence, on his trial before such court. Defaulter may make excuse for non-attendance In cases where there has been manifest neglect of duty on the part of the officer or soldier, the court martial trying such offender, may add to the foregoing fines any amount, not exceeding the one fifth of the offender's state tax.

Sec 27. Lieutenant-Colonels and Majors shall order battalion courts martial for their respective battalions annually, and detail one commissioned officer from each company in his battalion, to convene and sit at some place as near the centre of the battalion as convenient, in which they shall assess all fines incurred by officers, non-commissioned officers and privates, at battalion musters, having given twenty days notice of the time and place of holding such courts, and having taken an oath to render impartial justice to all concerned, according to law, and to the best of their knowledge and judgment, which oath shall be administered by the president, to all the other members present, and by some one member to the president, and the officer ordering the court, shall also name the officer in his battalion, who shall act as Judge Advocate to the same; Battalion courts martial, how appointed
 and any person aggrieved by the sentence of any battalion court martial, may appeal to the regimental court martial next succeeding: Powers *Provided*, such person give security to the president of such inferior court, to pay the fine in case the same be confirmed. Persons aggrieved may appeal
Provided

Sec 28. The commanding officers of the regiments shall once in every year detail a regimental court martial, to consist of the commanders of battalions, one commissioned officer from each company of his regiment; the president shall administer the oath prescribed in the twenty-seventh section of this act, to the Judge Advocate, and the Judge Advocate to the other members. Regimental court martial, how appointed and organized such courts shall assess all fines incurred by the officers, non-commissioned officers and privates of the regiments in the cases before recited, Powers and shall hear and decide all appeals sent up, and confirm or reverse them, and send by the adjutant a list of the cases so confirmed and decided to the sheriff, that the fine may be collected. No officer shall sit while his own case is considered the commanding officer shall give twenty days notice of the sitting of the court martial, and name the of-

ficer who shall act as Judge Advocate, and any officer may return the colonel or any other officer in default, to the regimental court martial.

Sheriff or constable shall collect fines

Sec. 29 The sheriff, or any constable, in each county, shall collect all fines assessed at courts martial, on order from the president of such courts, containing the amount of fines and the names of the persons on whom they are assessed, and the sheriff or constable shall collect and pay over to the regimental paymaster, within thirty days after the receipt of the assessment, and take a receipt for the same from the paymaster, and the sheriff or constable shall be allowed such fees as the law allows in other claims of the same amount. In case no property can be found, any defaulter may be seized and committed to jail until the fine be paid. *Provided always*, such defaulter may be released, by swearing before a justice of the peace that he is not worth the fine.

Proviso

Officers and privates exempt from arrest, &c.

Sec. 50. No officer or private shall be arrested by any civil process, while going to, continuing at, or returning from any muster or court martial, or other military meeting; and any arrest, process or execution on the person, at such times, is hereby declared void. All persons liable to militia duty, going to or returning from any muster or court martial, shall pass all ferries, bridges and turnpikes free of expense.

Officers may confine bystanders and privates in certain cases

Sec. 31 Any officer may put into confinement for the day, any bystander, that may interrupt the muster, drill or court martial and any person enrolled, appearing at any muster or drill, shall be ordered into the ranks, and if he refuses shall be put into confinement for the day, and fined in a sum not exceeding ten dollars and no person shall be exempt from military duty, unless in the opinion of a regimental court martial, the same may be wholly unfit for service, and if the court have doubts, they may require the opinion of the regimental surgeon; as soon, however, as such inability may be removed, the person shall be again ordered to duty.

Militia called into service how paid & governed

Sec. 32. All militia called into actual service shall be paid, rationed and governed, as the United States troops are, and be subject to the "rules and articles for the government of the armies of the United States," whether such militia be accepted, in the service of the United States, or this State.

Substitutes liable to be drafted

Sec. 53 In case of a second draft taking place before the tour of duty expires, for which a substitute has been hired, the substitute shall stand his draft, and if drafted be liable to join the second detachment, as soon as his former tour may expire, and in case of drafts the requisition shall call for officers, non-commissioned officers and privates: *Provided always*, That any person furnishing a substitute

Proviso

shall be exempt from serving himself, but shall notwithstanding, be compelled to attend company, battalion and regimental musters, and perform patrol duty, and in the event of a second draft, should his substitute be drafted before the former tour is performed, the person furnishing said substitute shall perform the tour of duty of said substitute, until the former has been performed, and the said substitute join the second detachment.

Sec. 34. All persons liable to do militia duty, moving into the bounds of a company, shall within thirty days, or at the next muster after his arrival in said bounds, report himself to the commanding officer of said company, who shall immediately enrol him and any person failing to report himself accordingly, shall in case of a draft of the militia, not stand his draft as others, but shall be placed on the first requisition. The commanding officer of a company, shall enrol all able bodied men, between the age of eighteen and forty-five years, subject to do militia duty in his bounds, and in all cases the commanding officers of all militia companies shall compel every person enrolled, or residing in the bounds of his company, to do duty therein, until such person shall produce a certificate from the captain of some volunteer company, that he is legally enrolled in such corps and is equipped as the corps requires.

Persons removing shall give notice to commander of the company

Com'g officers of a company to enroll certain persons liable to militia duty

Sec. 35. There may be one company of light infantry, riflemen or grenadiers to each regiment, to consist of not less than forty-eight, nor more than eighty privates, and shall be commanded by a captain, two lieutenants and one ensign, four sergeants four corporals, and two musicians or buglemen, as the case may be, and any person belonging to any volunteer company, shall not be exempted from serving as patrols, under the appointment of captains of regular militia companies, and all volunteer companies of light infantry, riflemen, or grenadiers, shall have power to choose their own uniform: and no volunteer company shall be established for a shorter period than three years.

light infantry, riflemen or grenadiers

Sec. 36. There shall be only one troop of cavalry in each regiment, which shall muster at such place as the commandant of the regiment may appoint, and one company of artillery, to muster in like manner, at such places as the colonel commandant may appoint.

Cavalry and artillery

Sec. 37. It shall be the duty of the Governor, forthwith, to issue his writ of election to the sheriffs, or some other person, of the different counties in this state, who, on the receipt thereof, shall hold elections for colonel, lieutenant colonel and majors in each regiment in their respective counties, and make immediate returns to the Governor thereof, and on the returns being made, the Governor shall grant commissions accordingly, and issue writs of election for Brigadier Generals, in their respective brigades, and

Governor shall issue writs of election,

and grant commission.

appoint a proper superintendent, naming the place and time for holding said election, and it shall be the duty of the superintendents holding such elections, to return the same sealed to the Governor, and on the receipt of said returns, he shall grant commissions, and then issue writs of election for Major Generals, appointing a proper place and superintendent, and naming the time for holding such election, and it shall be the duty of such superintendent in like manner to seal the returns of such elections, directed to the Governor, whose duty it shall be, to grant commissions accordingly. And it is hereby directed that each officer respectively, shall organize his immediate command, and when an election for any company officer takes place, the commandants of battalions shall certify who has been elected to the Governor, who shall grant commissions accordingly: and in all subsequent elections the Governor shall appoint the time and place and superintendent of the election for Major Generals: Major Generals shall provide in like manner for the election of Brigadier Generals in the brigades composing their division. Brigadier Generals shall in like manner provide for the election of Colonel commandants of the regiments, composing their brigade: Colonel commandants shall in like manner provide for elections of Lieutenant Colonels and Majors, to command the battalions in their regiments: and Lieutenant Colonels and Majors shall in like manner provide for the election of all company officers.

mode of contesting elections

Sec. 38. That when any officer shall be elected agreeable to the mode pointed out, and directed by this act, the opposing candidate after such election has been held, and before return is made thereof, if he thinks himself aggrieved and shall think proper to contest the election, he shall remonstrate to the Governor forthwith, and if a captain or subaltern give thirty days notice to the officer, who is returned elected, that at the next Battalion court martial he intends to contest his election, and it shall be the duty of the Battalion court, to examine all returns, made of said election, and determine who is duly elected, and should a candidate for Colonel, Lieutenant Colonel or Major determine to contest an election, he shall remonstrate as before, and shall give at least thirty days notice to the party, who has been returned elected, that at the next regimental court of Inquiry, he will contest the election, by which he has been returned elected, and said court shall examine all the returns and pronounce who has been duly elected and should a candidate for either a Brigadier or Major General, think proper to contest an election, the party thinking himself aggrieved, shall remonstrate as before, and shall give notice to the returned officer, that he intends contesting his election, which notice shall be given at least sixty days previ-

ous to the decision of such contest, when the returns and other vouchers relating to such election, shall be made to the Governor, who, after examining the same, shall declare who is duly elected. *Provided*, That if any person shall contest the election of any officer of the Militia of this State, he shall notify him in writing, stating the grounds that is intended to contest the election on, also to give ten days previous notice, stating the time and place for taking such deposition to be read as evidence in such case.

Sec. 39 The commandant of Brigades shall call a court martial at such time and place, as he may deem most convenient, to be composed of all the field officers in his Brigade: at which court the commandant of Brigade shall preside, a majority of all the field officers in the Brigade to constitute a court for business, which shall be called a Brigade Court Martial, and shall regulate the bounds of the different regiments in the brigade, and form additional regiments, when by it, the court are of opinion the interest of the State will be advanced. The president of the board shall (when a new regiment is formed) issue orders for an election to be holden for Colonels, and direct the time and appoint superintendents for the same, and the colonel, when elected, shall proceed to organize his regiment in such manner as is prescribed by this act.

Brigade courts martial, how formed.

Their duties.

Sec. 40 That the counties of Baldwin, Mobile and Wilcox shall each compose one Battalion, to be commanded by a Lieutenant Colonel, who shall be appointed in the manner prescribed by this act for the election of Colonels commandants, and the said Lieutenant Colonels shall have power to appoint their Staff, and organize their respective Battalions, in the same manner that colonels commandants are directed by this act. *Provided always*, That it shall be the duty of the Brigadier General, in whose brigade any of the counties above named may be, to organize a regiment therein, so soon as the militia thereof shall amount to five hundred effective men.

Militia of Baldwin, Mobile & Wilcox to compose one battalion each.

Provide

Sec. 41 That the uniform established by the laws of the United States for the different corps thereof, shall be the uniform for similar corps in this State, and the same shall be declared from time to time by the Governor, by general proclamation.

Uniform in the army of the U. S. to be the uniform of this State

Sec. 42 All officers whose rank is not fixed, or whose duty is not prescribed by this act, shall hold such rank, perform such duty, and receive such pay when in service as similar officers hold, do and receive in the United States army.

Officers to hold the same rank, &c. as in U. S. army

Sec. 43 That all arms and accoutrements of the militia of this State shall be at all times, exempted from distress either by attachment, execution or other legal process.

Arms, etc. exempt from seizure

**Duty of officers
in case of alarm**

Sec. 44. In case of alarm from an enemy, either internal or external, information (on which he can rely) being lodged with any commandant of a company, he shall forthwith call together his command or any part thereof, and dispatch an express immediately, to the nearest field officer, who shall dispatch expresses at his discretion, call out his command, and shall have power by themselves or their warrants to any inferior officer or soldier, to contract for any arms, ammunition, provisions, horses, waggons, carts, boats, pereggers and vessels with their furniture, or whatsoever other things, they shall want, or have need of, for the service of the State. *Provided*, that all such things, so contracted for, be by the said officers or their clerks entered in a book, to be kept for that purpose: and the captain or commanding officer of each company, after such alarm shall be over, and before such company shall be discharged, shall order as many men as he may think necessary, to carry the several things by him contracted for, to the respective owners, who, upon the delivery of the same, shall give a receipt. The officer shall likewise have power to draw on the public treasury, for so much money as he shall think the carriage of the several things are worth.

**To contract for
arms, etc.**

Proviso

**To draw on the
public treasury**

Oaths of officers

Sec. 45. Every officer, before he enters on the duties of the office, to which he shall have been appointed, shall take and subscribe an oath to support the constitution of the United States, and of the State of Alabama; and also to demean himself well and faithfully, and impartially to execute the duties of his office, to the best of his ability: a certificate of which shall be lodged with the adjutant of the regiment, for all company officers, and for all field and general officers with the Governor.

**Company courts
martial, when
held**

Sec. 46. *And be it further enacted*, That company courts martial shall be holden on the next company muster day or any time within ten days thereafter, and that at each regimental court of inquiry, the proceedings of each company court martial, shall be returned by the captain or commanding officer of each company, accompanied by a certificate on honour, that the return is correct. The commandant of each company shall give notice at each muster, of the time and place of holding such court, which shall be deemed a legal notice to delinquents.

**Notice how gi-
ven**

**Mode of pro-
ceeding against
delinquents who
move out of the
county**

Sec. 47. *Be it further enacted*, That should any person, who has been fined according to the provisions of this act, remove out of the county in which said fine was assessed, the amount of said fine, shall be forwarded to the Sheriff of the county into which the delinquent has removed, by the Sheriff of the county from which he removed, and the Sheriff to whom said return is made shall proceed forthwith to make the money, and shall within thirty days cause the money to be paid over to the Paymaster of the regiment,

from which said delinquent removed, after retaining such commissions, as are granted for the collection of such sums in other cases

Sec 48. *And be it further enacted,* That the Governor is hereby authorized and empowered to accept of the service of volunteers, from that class of citizens, exempt from military duty, to act on cases of emergency, in the defence of the counties from which such tender of service may be respectively made, and as soon as the number proffering their service from any one county, will justify the appointment and commissioning of officers, the Governor at his discretion, shall make and issue such appointments and commissions, being regulated by such rules in establishing the grades as he may adopt. *Provided,* no person be enrolled under the age of eighteen year, except with the consent of his parent or guardian: and immediately after the Governor's acceptance of any number of such volunteers, each private shall proceed to arm himself, with a good rifle or shot gun, with four spare flints and twenty rounds of powder and ball, or cartridges of powder and buck shot, together with the most convenient accoutrements. The commissioned officers of such corps shall arm themselves with swords. And when in the opinion of the Governor, an emergency shall require it, he is authorized to call into service the whole or any part of such volunteers, who shall receive such pay, and be subject to such rules, as other corps of militia are.

Governor may accept of volunteers
Privates how armed.
Officers how armed.

Sec 49. *And be it further enacted,* That any person or persons, who may hereafter be conscientiously scrupulous of bearing arms, shall make known their scruples and the cause thereof, on oath or affirmation to the court martial of the regiment to which they belong, and power is hereby vested in said court, to exempt him or them from military duty, on his or their paying such equivalent for his or their personal services, as the court may direct. *Provided,* That no equivalent as an exemption for personal services shall be demanded, in time of peace.

Persons having scruples of conscience not to bear arms.
Provided.

Sec 50. *And be it further enacted,* That in all cases of trial of any officer of the militia of this State, for ungentlemanly conduct, or misbehaviour in office, by any court martial, when not in actual service, either under a regular requisition or call of the United States, or of this State, the judgment of said court shall in no case affect the life of any person accused, but shall only operate to removal from office, reprimand or fine, in any sum not exceeding one thousand dollars, at the discretion of said court.

Sentence of a Court Martial not to affect the life of the accused in time of peace.

Sec 51. *And be it further enacted.* That all acts and

Repealing these parts of acts repugnant to this act, be, and the same are hereby repealed.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—Dec. 17, 1819.

(Signed)

WM. W. BIBB.

An act supplementary to the act passed by the two Houses of the General Assembly, during their present Session, entitled “an act to provide for organizing and disciplining the Militia of the State of Alabama;” and an act entitled “an act to regulate the proceedings of the courts of Law and Equity in this State.”

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That instead of a Lieutenant Colonel for each county, in which there is or may be only one battalion, as prescribed by the act, to which this is a supplement, there shall be a Major Commandant, who shall be appointed in the manner, and perform the duties, which were assigned for the Lieutenant Colonel

Companies of one battalion only to have a major com instead of Lt col.

Sec. 2 *And be it further enacted,* That instead of first and second Lieutenants to each company, there shall be one Lieutenant, who shall be elected in the manner prescribed by the act aforesaid And the Governor is hereby authorized, to designate the time when, and the places in the several counties at which the several elections of militia officers shall be held, and also to prescribe such rules and regulations for conducting the same, as may be necessary to carry into effect the provisions of this act, and the act to which it is a supplement.

One lieutenant to each company.

Governor to designate time & place of election

Certain counties to embrace Indian country.

Montgomery

Marengo.

Sec. 3 *And be it further enacted,* That the county of St Clair shall embrace all that tract of country belonging to the Cherokee nation of Indians, within the limits of this State and that the county of Montgomery shall embrace all that tract of country belonging to the Creek nation of Indians, lying within the limits of this State and that the county of Marengo shall embrace, within its limits, all that tract of country, within the limits of this State, belonging to the Choctaw nation of Indians; and that the county of

Franklin shall extend to and embrace all that tract of coun-^{Franklin.}
try belonging to the Chickasaw nation of Indians, lying
within the limits of this State, so far as it may be neces-
sary to give effect to the laws punishing citizens, who have
offended against the criminal laws of this State, or of the
United States, within the nations' aforesaid

Sec 4 *And be it further enacted,* That a judge, who has ^{Judge not to de-}
decided on a case, in a circuit court of any county of this ^{cide on same}
State, shall not decide upon the same case, in the Supreme ^{case or circuit}
Court & supreme c't

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate

Approved—Dec. 17, 1819.

(Signed)

WM. W. BIBB.

An act to regulate Patrols, and for other purposes.

SECTION 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly* ^{who liable to}
convened, That every male owner of slaves, and all other ^{do patrol duty.}
persons below the rank of ensign, liable to perform milita-
ry duty, are hereby declared liable to perform patrol duty,
as hereinafter directed but shall be at liberty to send a sub-
stitute to perform said duty in their stead

Sec 2 It shall be the duty of every Captain of Infantry ^{Captains requi-}
in this State, to cause to be made a complete list of all the ^{red to detail pat-}
male persons within the bounds of his company, liable to ^{rol detachm'ts}
perform patrol duty: including in the said list every per-
son liable as aforesaid, whether belonging to the militia
company under his command, or to any other company;
and in the said list the said captain shall cause to be includ-
ed every person liable as aforesaid, who shall come to re-
side within said bounds, within ten days after such person
shall reside therein: and it shall be their duty to regulate
patrols within their own companies, by making, at every
company muster of their respective companies, by rotation,
a list of patrol detachments, and appoint to every such de-
tachment a proper officer or leader which detachment shall
severally consist of not less than three nor more than five
men beside their leader, who shall perform the duties of pa-
trols, once in each week, for the term of two months, or
until the next company muster, except at the last muster in
each year: at which time it shall be the duty of the captain
to appoint two patrol detachments, as also designate the

time each detachment shall serve: *Provided*, no one shall be compelled to serve out of his regular routine of duty

Duties patrol
detachments.

Sec 3 It shall be the duty of each patrol detachment, to visit all negro quarters, all places suspected of entertaining unlawful assemblies of slaves or other disorderly persons unlawfully assembled, and upon finding such disorderly person or persons, to take him, her, or them, if free before the nearest justice of the peace of such county, or make report thereof to said justice, so that he, she, or they, may be dealt with according to law and if any slave or slaves shall be found so assembled, or strolling without a pass, or some taken from his or her owner or overseer, the said patrol may give any such slave any number of lashes not exceeding fifteen and if there be reason to suspect any such slave or slaves to be runaway from his or her owner, they shall take such slave or slaves before the nearest justice of the peace for such county, to be dealt with according to law, and be allowed and paid by the owner for all runaway slaves so taken up the sum of ten dollars, and shall also be entitled to receive all other fines to which parties may be liable, which they may bring before any jurisdiction having cognizance thereof

Runaway slaves

Leader of patrol
to give notice
of patrol.

Sec 4 The officer or leader of every patrol detachment shall give notice to every person thereto belonging, of the time and place of meeting to patrol, and every person who, after such notice, shall fail to attend or send a substitute in his place, or shall, after attendance, neglect a faithful performance of patrol duty, shall be returned by the patrol officer or leader to the captain in whose bounds he may reside and should the said defaulter so returned be subject to do militia duty, the captain shall return said defaulter to the next court martial, who shall be fined at the discretion of the court martial, in any sum not exceeding ten dollars, one half thereof shall, when recovered, accrue to the said officer or leader, and the other half thereof to the other persons who shall have performed patrol duty in the detachment wherein the default shall have occurred: but should the defaulter so returned to the captain not be subject to do militia duty, the captain shall forthwith return said defaulter to some justice of the peace for said county, who shall issue his warrant within ten days thereafter, requiring such defaulter to appear before him and in case the said defaulter shall not appear before him, it shall then be the duty of the said justice on proof of service of the process, and on proof of the service of the notice required by the preceding part of this section, of the time and place of meeting to patrol, to give judgment and issue execution against the said defaulter, for the sum of five dollars with costs, to be distributed as before named in this section *Provided*, That if a sufficient excuse be given to the said justice or court

Defaulter how
punished.

Provide.

martial, if such excuse be given at the hearing. then the said justice or court martial shall not give judgment, nevertheless the said defaulter shall pay costs.

Sec. 5. The officer or leader of every patrol detachment shall, for neglecting to give the notice herein before required, or neglecting to prosecute for the forfeiture, as herein before directed, or for neglecting any other duty required by this act, shall be returned to the captain, by any one of the detachment, wherein the default shall have occurred; and it shall be the duty of the captain, to report the said defaulter to the next court martial, who shall be fined in a sum not exceeding ten dollars, the said forfeiture when recovered, shall be divided between those persons who shall have performed patrol duty in the detachment wherein the default shall have occurred.

Penalty for not giving notice.

Sec. 6 If the regular muster of any military company shall not be held at the appointed time, it shall be the duty of the commanding officer of the company to appoint such detachment of patrol, as shall be next in routine, and inform the officer or leader thereof, who shall forthwith act accordingly

Sec. 7. It shall be the duty of the captains of companies to appoint the officers or leaders of patrols, from the most discreet persons within their bounds, which officer or leader shall be accountable for the orderly conduct of the detachment. *Provided.* That if he shall forthwith report any disorderly conduct, or disobedience of any patrol-man of his detachment, agreeable to the third section of this act, then such disorderly or disobedient patrol-man shall, exclusive of the foregoing fine, moreover, be liable to pay any damage or damages, which may happen to any individual, in consequence of his disorderly conduct, to be recovered before any tribunal having cognizance thereof

Captains to appoint the most discreet persons as leaders of patrols.

Sec. 8 If any commanding officer, constable, patrol-man, or other person, shall be sued, arrested, or impleaded, for any matter or thing, which he shall do or cause to be done, by virtue of, or in pursuance of this act, it shall and may be lawful for every such captain or other officer or person, to plead the general issue, and give this act and the special matter in evidence on the trial and if a verdict shall pass against the plaintiff or plaintiffs, or if they shall be non-suited, in his or their action or suit, then and in that case the court, where such action shall be pending shall tax and allow the defendant, his or their double costs in every such suit or action.

Patrols may give this act in evidence.

Sec. 9. *And be it further enacted.* That if any of the patrols as aforesaid, under this act, should receive any information, of any person or persons harbouring any negro or negroes, or slaves belonging to any other person or persons whatsoever, shall immediately, on receiving any such in-

Persons harbouring slaves how treated.

formation, summon together their patrols, and go immediately in search of said negroes, and if found, to take them forthwith to the nearest justice of the peace and if no owner comes and claims said slave or slaves, it shall be the duty of said justice to commit such slave or slaves to the common jail of the county.

Punishment for harboring slaves
Sec 10. *And be it further enacted,* That if any person or persons being convicted of harbouring or concealing any negro or negroes belonging to any other person or persons whatsoever, or suffering the same to be with his consent and knowledge shall, upon conviction of such offence, be fined in a sum not exceeding seven hundred dollars, and shall be imprisoned not less than one calendar month, nor exceeding six calendar months, and shall be liable in damages to the party injured, to be recovered by action on the case, before any tribunal having competent jurisdiction.

(Signed)

JAMES DELLET.

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—Dec. 17, 1819.

(Signed)

WM. W. BIBB.

An act to regulate elections, establish certain precincts in the counties therein named, and for other purposes.

Court houses to be the places of holding elections
SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly* That hereafter the court house shall be the place of holding general elections, in each and every county throughout this State, for the purpose of electing Governor, Members to Congress, Members of the General Assembly, Sheriffs, and Clerks. The election at the court houses, as aforesaid, shall be holden on the first Monday and day following, in August, in each and every year.

When held.

Time for receiving votes at election precincts
Sec 2 *And be it further enacted.* That the election shall be holden at other places than the places of holding the general elections in each and every county, shall continue open to receive votes, the first day of the general elections only and on the second day of said election, it shall be the duty of the managers, on the close of every election, to count out the tickets. Each manager shall take a memorandum of the number of votes, each candidate may obtain and forward to the managers at the court house, by the returning officer, a certified statement of the polls of such election; and the managers aforesaid shall return all the tick-

Duty of managers thereof.

ets so counted, into the election box, together with the clerk's list of voters, seal, and safely keep it, twenty days. And in case of contested elections, one of said managers shall forward the box, containing the tickets, to the principal managers at the court house. *Provided*, That in all new counties, formed at this session of the General Assembly, the votes taken in conformity to this act, shall be returned to the places of holding the general elections in the counties, from which such new counties may have been formed.

Sec 3 *And be it enacted*, That the elections, aforesaid, shall be conducted by the sheriff and managers appointed, in the same manner as heretofore by law directed. And if the sheriff shall fail to make a return of the election to the seat of government, in manner and form, as by the constitution directed, within the three first days of the session of the General Assembly next immediately succeeding such election, he shall forfeit and pay the sum of one thousand dollars, to be recovered by suit, prosecuted by the attorney general: and when recovered, paid into the public treasury, for the use of the State.

Sec 4 *And be it enacted*, That in addition to the duties heretofore required to be performed by the said managers of the elections, they shall also be, and hereby are, required to number the vote or ballot of each and every voter, with the same number, that such voter stands marked or enrolled on the lists of the clerks to said elections; the votes from every place of holding said elections, after having been counted, shall be filed separately, for the space of twenty days; at the end of which time, the said votes shall be destroyed by the managers of the several elections, unless notice shall be given to said managers, that some part or parts of said election, will be contested then, and in that case, it shall be the duty of the said managers, to seal, in one box or packet, the said separate files, and forward the same to the Secretary of State, on or before the first day of the next succeeding session of the General Assembly, to be used in evidence by those, whose duty it shall be to decide contested elections.

Sec. 5 *And be it enacted*, That the managers of the several elections, in addition to the oath heretofore prescribed by law, shall also swear, that "they will not themselves, or knowingly suffer any other person to compare the number of said ballots, with the number of the votes enrolled by the clerks as aforesaid, but faithfully to discharge the requisitions of this act, strictly and impartially"

Sec 6. *And be it enacted*, That there shall be, and hereby is established, three separate election precincts in the county of Wilcox: one at Canton, one at Prairie Bluff, and one at the dwelling house of Captain William Blacks. In the county of Monroe, in addition to those heretofore exist-

Perry. ing. there shall be an election precinct at Nicholson's store, on Pigeon Creek. In the county of Perry, there shall be three election precincts: one at the dwelling house of Joseph Brittain, one at the house of William Walters, and one at the house of Captain M'Clusky. In the county of Cahawba, there shall be two election precincts: one at the Falls of Cahawba river, and one at the dwelling house of Noah B. Cokers. In the county of Jefferson, there shall be three election precincts: one at the store of Wiggin & M'Whorter, one at the store of King & Brown, and one at Greer's old store house, near Turkey Creek. In the county of St. Clair, there shall be three election precincts: one at the dwelling house of Mr. Joel Chandler, one at the house of William Gutery, and one at the house of Peter Ragsdale. In the county of Autauga, there shall be two election precincts: one at the house of Mr. Izard, on the new road leading from Flat Creek to Mulberry Creek, and one at the house of Joseph Lewis.

County court of Autauga to levy tax to build a court house &c. Sec. 7. *And be it enacted,* That in the county of Autauga, there may be levied by the county court, a tax not exceeding one half the State tax, for the purpose of building a Court House, Jail, and Pillory, for said county.

Separate elections in Marion county. Sec. 8. *And be it enacted,* That separate elections shall be opened and held, agreeable to law in and for the county of Marion, at the house of — M'Phaddin, in Wilson's settlement; at the house of Archibald Alexander, in Winn's settlement; at the house of John Woods, in Moore's settlement; at some suitable house in the town of Columbus, and at the house of Henry Grier, near the Buttawhatche river in said county.

Seat of justice in said county. Sec. 9. *And be it further enacted,* That, hereafter, the temporary seat of Justice for the county aforesaid, shall be at the house of Henry Grier aforesaid, and the Justices of the inferior court for said county, are hereby authorized to levy, and cause to be collected, a county tax, sufficient for the erection of a plain log court house, and temporary jail, and are hereby appointed commissioners to let, and superintend the same, under the usual principles.

Election precincts in Lauderdale. Sec. 10 *Be it enacted,* That there shall be two election precincts established in Lauderdale county; one at the house of William S. Barton, and one at the house of Thomas Barnet — And in the county of Washington, one at St. Stephens; one at Carrolton, and one at the present residence of Daniel Fore. And in the county of Montgomery, there shall be three election precincts: one at the house of James Sparks on Big Swamp creek; one at Pruel's Store, on Tallapoussa river, and one at Evansville. In the county of Baldwin, there shall be two election precincts: one at the Store of Joseph Mims, and one at the house of Lewis Sewall. In Franklin county; one election precinct at the Big

Spring. In the county of Blount, there shall be three additional election precincts: one at Captain Roberts' Muster ground, in Brister's Cove; one at the Muster ground of Captain M'Daniels; and one at Capt. M'Pherson's Muster ground on Mulberry fork: In the county of Lawrence, two; one at Courtland and one at Moulton: In the county of Shelby, two; one at the house of Jesse Wilson, and one at the house of David Neal: In the county of Madison, six; one at Brazelton's in the Big Cove; one at Triana; one at Major John Griffin's; one at the place formerly occupied by Major Coteral; one at Hillsborough, and one at Capt. Leonard's: In the county of Mobile one, at the Alabama Hotel, in the town of Blakely: In the county of Tuskaloosa, four; one at M'Cown's Bluff; one at Jesse Bramlett's; one at Thomas Gove's, and one at Jacob Gillaspie's: In the county of Cofaco, six; one at Levi Taylor's; one at Joseph Smith's horse-mill; one at Daniel Turner's; one at David Williams'; one at Archelaus Craft's, and one at M'Daniel's Ferry. In addition to the places, already appointed for holding elections, in the county of Jackson, there shall be one at Noah Ward's old place on Paint Rock.

Sec. 11 *And be it further enacted*, That the county court of the county of St. Clair, are hereby authorized to levy a tax not exceeding one half the State tax, for the purpose of erecting a temporary jail in said county; and the said court are hereby authorized, to contract for the building of the same.

Sec. 12 *Be it further enacted*, That there shall be, besides the court house of Limestone county, three additional places of holding elections in that county: one at Mooresville; one at Strange's mill north of Elk river, and one at Kiser's shop.

Sec. 13 *Be it further enacted*, That the same number of days shall be allowed, for keeping the polls open to receive votes at the Alabama Hotel in the town of Blakely, as is allowed, at the place of holding the general election for the county of Mobile. And it shall be lawful, for the returning officers of the several precincts within the county of Mobile, to make the returns to the court house, (or place of holding the general election, of the state of the polls, certified by the managers, as early as practicable, within three days after the close of the election at the said precincts.

Sec. 14. *Be it further enacted*, That for the year 1820, it shall be lawful for the returning officers of the several precincts within the counties of Conecuh, Butler, Henry, Monroe, Wilcox, Dallas, Perry, Marengo, Greene, Jefferson, and Blount, to make their returns, to the respective court houses (or places of holding the general elections,) the

statement of the polls, certified by the managers, as early as practicable, within three days after the close of the election at the said precincts.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—Dec. 16, 1819.

(Signed)

WM. W. BIBB.

An act to provide for the appointment of county officers, and for other purposes.

Justices of peace
and constables
how elected

SECTION 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That there shall be elected by the qualified electors within the limits of each Captain's company in the several counties in this State, two Justices of the Peace, and one Constable, who shall hold their offices for and during the term of three years, from the dates of their respective commissions; which elections shall be holden by the commanding officer of each company, and two freeholders or householders, as he may appoint, on the first Monday of March next. And it shall be the duty of the persons superintending the election, as aforesaid, to make return of the persons elected, to the clerk of the county court, who shall certify the same to the Governor, for commissions.

In case of va-
cancy

Sec. 2. *And be it further enacted,* That it shall be the duty of each commanding officer, whenever any vacancy occurs in his company, by death, resignation, or removal, of any justice or constable, immediately to notify his company of the same, and call them together by advertisement, giving ten days notice, for the purpose of holding an election to fill such vacancy; which election shall be holden by the commanding officer aforesaid, and two freeholders or householders, as he may appoint.

Constables to
give bond and
security

Sec. 3. *Be it enacted,* That it shall be the duty of the constables elected in the several counties in this State, before they enter on the discharge of the duties of their office, to enter into bond with sufficient security, to be approved of by the justice or chairman of the county courts respectively, payable to the Governor for the time being, and his successors in office, in the sum of one thousand dollars, for the faithful performance of the duties of his office. And every constable failing to give bond, as herein directed, shall forfeit and pay, for every act he shall perform as constable, the sum of fifty dollars, to be recovered before any

court of competent jurisdiction, one half to the use of the person who may sue for the same, and the other half to the use of the county in which he may be so elected: And said candidates shall annually renew their bonds, or, on failure therein, the chief justice or chairman, as aforesaid, respectively, shall give notice thereof to the commanding officer of the district, for which the defaulting constable has been elected, who shall proceed to elect another person in his place, in the same manner as herein before provided, in case of vacancy.

Sec. 4. *Be it enacted*, That the justices of the county courts, or a majority of them, shall recommend to the Governor a fit person to act as coroner, and also a proper number of persons to act as auctioneers and notaries public: And it shall be the duty of the Governor to commission the persons so recommended: And the officers so commissioned shall respectively hold their offices for the term of three years, from the dates of their commissions.

Sec. 5. *And be it further enacted*, That the said coroner, auctioneers, and notaries public, respectively, shall, before they enter on the duties of their respective offices, give bond with sufficient security, to be approved of by the chairman of the county court of the several counties, in the sum of two thousand dollars, payable to the Governor and his successors in office, for the faithful performance of their respective duties.

Sec. 6. *Be it enacted*, That there shall be appointed in each county in this State, by the county courts thereof, a County Surveyor and Treasurer, who shall hold their offices for the term of three years.

Sec. 7. *Be it enacted*, That it shall be the duty of the County Treasurer, before he enters on the duties of his office, to enter into bond with good and sufficient security to the county court of the county for which he may be so appointed, in such sum as said court may direct, for the faithful accounting for, and paying over the monies, which may come into his hands as county treasurer.

Sec. 8. *Be it enacted*, That there shall be appointed, in each county in this State, by the county court of the respective counties, an assessor and tax collector, on the fourth Monday in January, in each and every year, or sooner, if the county court be in session before that time, who shall hold their office for the term of one year, from the date of their commissions: And the several county courts shall, within forty days after said appointment, make return of the persons appointed, to the Governor, whose duty it shall be to commission the same: *Provided*, That in case of death, or failing to give bond and security, as required in this act, the county court shall have power to fill such vacancy.

Assessor and
collector to give
bond

Sec. 9. *And be it enacted*, That it shall be the duty of the said assessor and collector of taxes, respectively, before they enter on the duties of their offices, to enter into bond with sufficient security, to be approved of by the chief justice or chairman of the county courts of the counties, respectively, for which they may be appointed, in such sum as said chief justice may direct, payable to the Governor for the time being, and his successors in office, conditioned for the faithful performance of the duties of their offices respectively.

Oath of office

Sec. 10. *And be it enacted*, That the persons appointed to fill the several offices mentioned in this act, shall, before they enter upon the duties of their respective offices, take an oath to support the Constitution of the United States, and of this State, together with an oath of office, as follows, to wit:—"I, ———, do solemnly swear, (or affirm, as the case may be,) that I will execute the office of ——— with
"impartiality to all persons, and agreeably to the best of
"my skill and judgment; so help me God."

Elections when
held

Sec. 11. *And be it enacted*, That the elections provided for by this act, shall be held on the first Monday in April next, except such as are herein before particularly specified.

Assessor to take
the census

Sec. 12. *And be it further enacted*, That it shall be the duty of the assessor of taxes in each and every county within this State, for the year one thousand eight hundred and twenty, to take an enumeration of the inhabitants therein in the manner, and under the regulations and responsibilities, which are prescribed by an act authorizing the taking the census of the Alabama Territory, passed the ninth of February, eighteen hundred and eighteen.

Compensation
therefor

Sec. 13. *And be it further enacted*, That each and every assessor shall be allowed as a compensation for taking the census, as follows, to wit: When the census shall not exceed one thousand, two dollars per hundred; when it shall exceed one thousand and not exceeding two thousand, one dollar seventy-five cents; when it shall exceed two thousand and not exceeding three thousand, one dollar sixty cents; when it shall exceed three thousand and not exceeding five thousand, one dollar thirty-three cents; when it exceeds five thousand, one dollar.

Sheriff to give
bond

Sec. 14. *Be it further enacted*, That all the Sheriffs elected under the Constitution of this State, shall, on or before the first Monday in April next, give bond, with such number of good and sufficient securities as may be approved of by the county courts respectively in such sum, in addition to the sum already required by law, as they may deem necessary and proper, made payable to the Governor for the time being, and his successors in office; which bond shall be taken by said court and deposited in the clerk's office

Provided also, that it shall be the duty of the sheriff to renew his bond annually, if required by the court.

Sec. 15. *Be it further enacted*, That any sheriff failing or neglecting to comply with the provisions of the preceding section shall vacate his office, and said office is hereby declared vacated, and such vacancies, should any such occur, shall be filled in such manner as is now prescribed by the Constitution for supplying vacancies for sheriffs. Penalty for neglect

Sec. 16. *And be it further enacted*, That it shall be the duties of the sheriffs of the counties throughout the State, respectively, whenever any execution shall be placed in their hands, to proceed to levy the same, and make sale of the property thus levied on, in such times as by law is directed, and shall pay the amount obtained by such sale, to the party or parties entitled to the same, on the application of such party or parties, or within ten days thereafter, under the penalty of forfeiting six per centum per month, for every month such sheriff shall fail to pay over such money collected as aforesaid. Sheriff shall levy executions
Pay over the money

Sec. 17. *And be it further enacted*, That it shall be the duty of the sheriffs to return all executions, which have not been levied, or on which the money has not been made, to the office of the clerk of the court from which such execution may have been issued, by the first day of the term next succeeding the term from which such execution may have been issued. When to return executions

Sec. 18. *And be it further enacted*, That when any sheriff shall fail to perform the duties by this act required, the person or persons aggrieved, may move against such delinquent sheriff, and have judgment entered against such sheriff and his securities in office, for the amount he has failed to pay over, as aforesaid, or for failing to return the execution in manner as above directed, in the court, from which such execution had issued, upon giving three days notice of such motion, to such delinquent sheriff or his securities in office: *Provided however*, that time may be given to such delinquent sheriff to make his defence, upon good cause shewn to the court, before whom such motion may be made. Penalty for neglect of duties

Sec. 19. *And be it further enacted*, That whenever a vacancy in the office of constable shall occur, or any case of emergency may require it, it shall be the duty of any acting justice of the peace, within the limits of the company, where such vacancy may have occurred, to depute some fit person to fill the same, until one may be appointed according to the provisions of this act. Vacancies of constables how filled

When so take offices Sec. 20. *And be it enacted*, That this act shall take effect and be in force, from and after the first day of January next.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—December 17, 1819.

(Signed)

WM. W. BIBB

An act prescribing the duties of certain public officers.

Duties of the attorney general. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be the duty of the attorney general to keep his office at the place designated for the seat of the State Government, and to conduct and prosecute in the Supreme Court, all suits in which the State may be concerned, and to give his opinion and advice, in writing, or otherwise, on any questions of law, when required by the Governor, or when requested by the Comptroller of public accounts, or the State Treasurer, concerning matters which relate to their respective offices: and he shall also perform the duties of Solicitor in the judicial circuit, embracing the place designated for the seat of the State Government, and shall receive in addition to the salary established by law, the fees for prosecutions in such circuit, and in the Supreme Court, which are allowed to Solicitors for the like services.

Emolument.

Solicitors, their duties. Sec. 2. *And be it further enacted*, That there shall be elected a Solicitor for each judicial circuit, in this State (except the judicial circuit, assigned to the Attorney General,) whose duty it shall be to prosecute in such circuit, all offenders against the State, and all civil actions, in which the State may be concerned (except before the Supreme Court,) and who shall be entitled to receive, in addition to the salary established by law, the following fees: on every conviction for any felony (except murder,) ten dollars; on every conviction for petit larceny, ten dollars; on every conviction for unlawful gaming, or for unlawfully permitting the same, or for unlawfully keeping a billiard table, twenty dollars; on every conviction for perjury, twenty dollars; on every conviction for forgery, counterfeiting coin or any bank-note, or for feloniously uttering, or offering any counterfeit

Emolument.

coin, bank note, writing obligatory, or other instrument of writing, or forwarding or assisting in any of said offences, twenty dollars; on every conviction for maim, or for an assault, with intent to commit murder, rape, or robbery, fifty dollars; on every conviction for an assault and battery, or affray, five dollars; on every other conviction, on indictment or presentment, five dollars; and for every exhibition of a faro-bank, or any other kind of gaming table, fifty dollars; for every person who knowingly suffers unlawful gaming in his house, fifty dollars. And it shall be the duty of the Clerk of the Court to tax the fees aforesaid, in the bill of costs, which, when collected, shall be paid to the Solicitor.

Sec. 3. *And be it further enacted*, That if the Attorney General, or any Solicitor, shall fail to attend at either of the courts, when it may be his duty to attend, the judge or judges of the same, are hereby authorized, from time to time, as he or they may think fit, to employ an attorney to prosecute for the State, who shall be paid by the Attorney General, or Solicitor in whose stead he may act, such compensation as shall be directed by the court, before whom the services shall be rendered.

Sec. 4. *And be it further enacted*, That the Secretary of State shall, in addition to the duties prescribed by the Constitution of this State, perform all the duties heretofore appertaining to the office of Territorial Secretary, and shall be entitled to receive, in addition to the salary established by law, the compensation allowed for copying the laws and superintending the printing thereof; and also the sum of one dollar, for each and every certificate and the annexation of the seal of the State thereto, which may be required by any person or persons, to any instrument, relating to contracts or other matters of private concern, to be paid by the party applying for the same.

Sec. 5. *And be it further enacted*, That the Comptroller of public accounts, shall perform the duties, and be subject to the responsibilities, heretofore appertaining to the office of Auditor of Public Accounts.

Sec. 6. *And be it further enacted*, That the State Treasurer shall perform the duties, and be subject to the responsibilities, heretofore appertaining to the office of Territorial Treasurer.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—Dec. 17, 1819.
(Signed)

WM. W. BIBB.

On failure of the attorney general or solicitor court may appoint another attorney

Duties of Secretary of State

§ 12. dis. 287. 51

Of Comptroller

Of State Treasurer

An act to regulate the rate of Interest.

Eight per cent
legal interest

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the first day of February next, no person or persons, shall, upon any contract whatsoever, take, directly or indirectly, for the loan of any money wares, merchandize, bonds, notes of hand, or other commodities whatsoever, above the value of eight dollars, for the forbearance of one hundred dollars, for one year; and after that rate for a greater or less sum, or, for a longer or shorter time; and all bonds, contracts, covenants, conveyances, or assurances, hereafter to be made, for payment or delivery of any money, goods, wares, or merchandize, so to be lent, on which a higher rate of interest is received or taken, than is hereby allowed, shall be utterly void, and of no effect.

Penalty for tak-
ing more than
eight per cent

Sec 2. *And be it further enacted,* That every person, who, upon any contract, shall take, accept or receive, by way or means of any corrupt bargain, loan, exchange, or shift, of any money, goods, wares, merchandize, commodities, or bonds, or notes, or other thing whatsoever, above the rate of eight dollars, for the forbearance or giving day of payment of one hundred dollars for one year, and so after that rate for a greater or less sum, or for a longer or shorter time, and so after that rate or proportion, for goods, wares merchandize, commodities, bonds or notes, when such shall be lent, contracted or agreed for, taken, accepted, or received, shall forfeit and lose, for every such offence, the whole value or amount, together with all interest thereon: one half of which forfeiture, shall be paid into the public treasury, for the use of the State, and the other half to him or them, that will inform and sue for the same; to be recovered with costs by action of debt, in any court of record in this State: *Provided,* That if the borrower should be the informer, as aforesaid, then, and in that case, the whole amount, thus recovered, shall be paid into the treasury for the use of the State: *Provided also,* That every such action of debt, as aforesaid, shall be commenced and sued, in the lender's life time, or within three years after the commission of the offence, or in one year after the time of payment of any money, goods, wares, or merchandize, contracted to be paid, on any usurious agreement or contract.

Provide

Action to be
brought within
three years

Judges to charge
grand juries

Sec. 3. *And be it further enacted,* That it shall be the duty of the Judges of the Circuit Courts, to charge the grand jury of the respective counties within their circuits, to present all, and every person who may violated the provisions

of this act, that may come within their knowledge : and on every such presentment, it shall be the duty of the Solicitor for the State to have issue joined, or made upon such presentments, and prosecute the same under the rules and regulations prescribed for the prosecution of *qui tam* actions ; and upon conviction, the whole amount, thus ascertained to have been lent, or taken, contrary to the provisions of this act, shall be paid into the treasury, for the use of the State.

Sec. 4. *And be it further enacted,* That when any note or notes, bond or bonds, shall or may be upon, or on account of, any usurious contract, the same shall be void, and of no effect, and the obligor or obligors, forever exonerated from the payment of the same ; and the obligor or obligors, shall be deemed by this act competent witnesses, to prove the usurious consideration, of any such bond or bonds, note or notes : *Provided,* that this act shall not be construed, so as to prohibit the sale of any bond or bonds, which may have been fairly, and *bona fide* given, and not given for the purpose of evading the provisions of this act.

Sec. 5. *And be it further enacted,* That in all cases whatsoever, when any suit or action shall be brought in any court of record in this State, touching or concerning any usurious bond, specialty, promise, or agreement, the borrower or party to such usurious bond, specialty, contract, promise, or agreement, from whom such higher rate of interest is, or shall be taken, shall be a good and sufficient witness to give evidence of such offence : *Provided,* That if any person, against whom such evidence is offered to be given, will deny upon oath, to be administered in open court, the truth of what such witness offers to swear against him, then such evidence shall not be admitted : and if any witness or party, shall forswear himself, in any such matter, and be thereof lawfully convicted, he or she shall suffer all the pains and penalties, by law inflicted on persons convicted of wilful and corrupt perjury.

Sec. 6. *And be it further enacted,* That from and after the passage of this act, any person or persons, who shall be lawfully convicted of violating this act, shall be, and is hereby forever disqualified from being a director of any bank or banks, in this State ; and any person or persons, who hereafter may be director or directors of any bank or banks within this State, who may be convicted, as aforesaid, shall forfeit his or their seat or seats, as director or directors : and any person or persons, who may, after the passage of this act, be elected or chosen, a director or directors of any bank or banks within this State, before entering upon the duties of his office, shall take the following oath, to wit : “ I — — —, do solemnly swear (or affirm) “ that I have not, either directly or indirectly, violated the “ act entitled, an act regulating the rate of interest, nor will

Usurious
bonds void

Obligor may be
witness

Provide

Borrower may
be witness

Provide

Penalty for per-
jury

Violators of this
act disqualified
from being bank
directors

Oath of bank
directors

"I be guilty of violating said act, either directly or indirectly, whilst I continue in the office of director. So help me God."

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—Dec 17, 1819.

(Signed)

WM. W. BIBB.

An act to establish certain counties therein named, and for other purposes therein mentioned.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the boundaries of Baldwin county, be, and they are hereby, altered and extended, as follow, to wit: Beginning at the centre of the western boundary line of township four in range three, east of the basis meridian line of the land district east of Pearl river; thence east to the Alabama river; thence with said river to its junction with Little river, to the point of its intersection by the range line between ranges five and six; thence north with said line to the northwest corner of township three in range six; thence east along the township line between townships three and four in range seven; thence south along the range line between the ranges seven and eight, to the thirty-first degree of north latitude; thence west to the former boundary line of Baldwin county.

Sec. 2. *And be it further enacted,* That all that tract of country bounded as follows, to wit: Beginning at the Choctaw corner; thence east to the middle of the range line between ranges four and five in township twelve; thence north along said line, to the northwest corner of township thirteen in range five; thence east, to the northeast corner of township thirteen, range five; thence north along the range line between ranges five and six to the northwest corner of township fourteen in range six; thence along the township line between townships fourteen and fifteen to its intersection with the Chelatchee creek; thence down said creek to the Alabama river; thence down said river to the mouth of Pine-barren creek; thence along said creek to its point of intersection with the township line between townships twelve and thirteen; thence east along said line to the northeast corner of township twelve, in range twelve; thence south along the range line between the ran-

ges twelve and thirteen to the southeast corner of township twelve, in range twelve; thence west along the township line between townships eleven and twelve to the northwest corner of township eleven, in range twelve; thence south along the range line between ranges eleven and twelve, to a point in the centre of said line, between the northern and southern boundary lines of township ten; thence due west along the centre of township ten to the Choctaw boundary line; thence with said line to the Choctaw corner, the place of beginning, shall constitute one county, to be known and called by the name of Wilcox.

Sec. 3. *And be it further enacted*, That the boundaries of Marengo county, shall, hereafter, be as follow: Beginning at the Choctaw corner; thence running east to the range line, dividing ranges four and five; thence north with the said range line to the northwest corner of township thirteen in range five; thence east with the line, dividing the thirteenth and fourteenth townships, to the range line dividing five and six; thence north with said range line to the northern boundary of township eighteen; thence west with the line dividing the eighteenth and nineteenth townships, to Tuskaloosa river; thence down Tuskaloosa to its junction with the Tombecbe river; thence down Tombecbe river to the north boundary line of Clarke county; thence with said line to the beginning.

Sec. 4. *And be it further enacted*, That the dividing line between the counties of Dallas and Montgomery, be the range line between the ranges twelve and thirteen, until it strikes the Alabama river; thence down the same to the mouth of Mulberry creek.

Sec. 5. *And be it further enacted*, That hereafter, all that tract of country, bounded as follows, to wit: Beginning at the northeast corner of township six in range eleven, in the district aforesaid; thence north, on the range line between eleven and twelve, to the northeast corner of township eleven, in range eleven; thence east along the township line between eleven and twelve to the northeast corner of township eleven, in range seventeen; thence south on the range line between seventeen and eighteen, to the southeast corner of township seven, in range seventeen; thence west along the township line between six and seven, to the place of beginning, shall form one county, to be called and known by the name of Butler.

Sec. 6. *And be it further enacted*, That all that tract of country lying east of the range line between thirteen and fourteen, south and east of the county of Butler, south of Montgomery county, west of the Indian boundary line and the Chattahoochee, and north of the thirty-first degree of north latitude, shall constitute one county, to be called and known by the name of Henry.

Boundaries of Perry county Sec. 7. *And be it further enacted,* That all that tract of country, bounded as follows, to wit: Beginning at John Allen's, thence in a direct line to the centre of township twenty-one, between ranges eight and nine; thence north up said range line six miles; thence west, in a direct line, to the range line between six and seven in township twenty-two; thence north, up the range line, nine miles; thence west along the township line between twenty-three and twenty-four, three miles; thence north, to the township line between twenty-four and twenty-five; thence west to the range line between five and six; thence south, to the township line between twenty-four and twenty-three; thence west, three miles; thence south, twelve miles; thence east, to the range line between five and six; thence south, along the range line to the township line dividing sixteen and seventeen; thence east, to the range line dividing six and seven; thence north, to the township line dividing seventeen and eighteen; thence east, to where it strikes Oakmulgee creek; thence up said creek to the township line dividing eighteen and nineteen; thence east, to the Mulberry creek; thence north, to the beginning, shall constitute one county, to be called and known by the name of Perry.

Boundaries of Greene county Sec. 8. *And be it further enacted,* That all that tract of country, bounded as follows, to wit: Beginning at the north-east corner of Marengo county; thence north with the range line which divides ranges five and six, to the northern boundary of township twenty-one; thence west along the township line dividing townships twenty-one and twenty-two, three miles; thence north, to the northern boundary of township twenty-two; thence west, with the township line dividing townships twenty-two and twenty-three, to Tuskaloosa river; thence up the same to the mouth of Grant's creek; thence due west to the Tombeche river; thence down the same to the mouth of Tuskaloosa river; thence up the same to the north boundary of township eighteen in range three; thence east along the line which divides the townships eighteen and nineteen, to the place of beginning, shall constitute one county, to be called by the name of Greene.

Boundaries of Jefferson county Sec. 9. *And be it further enacted,* That all that tract of country, bounded as follows, to wit: Beginning at a point on Tuskaloosa river, at the mouth of the first large creek below the junction of the Mulberry and Locust forks of said river; thence on a direct line to the Big Pond spring at the upper end of Roup's valley; thence southeast, to the ridge dividing the waters of Shade's creek from the waters of Cahawba; thence up said ridge to its northern extremity; thence by a direct line to the Cedar mountain; thence up the former line dividing Blount from St. Clair county,

to a point opposite to Hartgrove's, leaving said Hartgrove's in Blount county; thence, by a direct line, to William Dann's, on the Mulberry fork of Tuskaloosa; thence by a direct line to the Cypsey fork; thence down said stream, to its junction with the Mulberry; thence down their united stream, to its junction with the Locust fork; thence down the same, to its junction with the Tuskaloosa; thence down the same to the place of beginning, shall constitute one county, to be called and known by the name of Jefferson.

Sec. 10. *And be it further enacted.* That Micajah Wade, John Carter, senior, George Harrison, Hillary Herbert, Talleferro Livingston, be, and they are hereby appointed commissioners for the county of Butler; that William C. Wason, John Fannin, Joel T. M'Clindon, Johnston Wright, and S. Smith, (Capt) be, and they are hereby appointed commissioners of the county of Henry; that Nathan Read, Laban Rice, Edward M'Craw, Joseph Brittain, and John Tubbs, be, and they are hereby appointed commissioners for the county of Perry; that William Black, Thomas Evans, John Speight, Thornton Brown, William M'Carrel, Joseph Lawry, and John Gaston, be, and they are hereby appointed commissioners for the county of Wilcox; that Reuben Read, William Irvin, John Adams, John Cochran, and William Prude, be, and they are hereby appointed commissioners for the county of Jefferson; who, or a majority of whom, shall have power in their respective counties, to fix on a suitable place for the seat of justice in said counties, respectively.

Sec. 11. *And be it further enacted,* That the said commissioners shall have power, in their respective counties, to contract for and receive, in behalf of their respective counties, a good and sufficient title, to not exceeding a fourth section of land, so fixed on respectively for the seats of justice, for the purpose of erecting thereon public buildings for the use of said counties, respectively.

Sec. 12. *And be it further enacted,* That the said commissioners, or a majority of them, in their respective counties, shall have power to contract for, erect, and superintend, the building a court house and jail of such description and dimensions as they shall agree upon, with the approbation of the county court of the counties, respectively: *Provided,* That notice shall be given by said commissioners, at three or more public places in their respective counties, of the time and place of letting said buildings, or either of them, shall contract for the erection thereof, with the lowest bidder, who shall enter into bond with sufficient security for the performance of his contract.

Sec. 13. *And be it further enacted.* That the several county courts in the said counties of Butler, Henry, Wilcox, Greene, Perry, and Jefferson, be, and they are hereby au-

Commissioners
for the county
of Butler

of Henry county

of Perry county

of Wilcox

of Jefferson

Commissioners
empowered to
fix the seat of
justice, &c.

Commissioners
to contract for
building court
house, jail, &c.

Provided.

County courts of
certain counties
to lay tax, &c.

thorized and required to lay such tax, not exceeding one half of the amount of the state tax, on the persons and property of the inhabitants of their respective counties, liable to taxation in other cases, as shall be sufficient to defray all expenses to be incurred under this act.

Commissioners for Blount. Sec. 14. *And be it further enacted,* That John Galbraith, William Rino, Stephen Box, Moses Burleson, and Henry McPherson, be, and the same are hereby appointed commissioners for the county of Blount, who, or a majority of whom, shall have the same powers as are vested in the commissioners of Jefferson county.

Cashawba the seat of justice for Dallas. Sec. 15. *And be it further enacted,* That the town of Cashawba be, and is hereby fixed on, for the seat of justice for Dallas county.

Seat of justice in Marengo Sec. 16. *Be it further enacted,* That the house of Mrs. Irby, on the south side of Chickasaw Bogue, or any house within four miles therefrom that the Judges of the Inferior court, or a majority of them may make choice of, shall be, and is hereby made the temporary seat of justice for Marengo county.

Establishment of Jackson co. Sec. 17. *And be it enacted,* That all that tract of country lately obtained of the Cherokee nation of Indians, lying on the north side of the Tennessee river south of the Tennessee State line, and east of the present Madison county line and of Flint river after it has left Madison county, be constituted one county, by the name of Jackson.

Seat of justice of Jackson. Sec. 18. *And be it further enacted,* That Sauta Cave shall be, and is hereby established the temporary seat of justice for the county of Jackson: *Provided,* that the county court shall have power, by adjournment, to select any other place they may deem more expedient.

Addition to Madison county. Sec. 19. *And be it further enacted,* That all that tract of country lying between the present Madison county line and Flint river, be added to, and make a part of, Madison county.

Commissioners of Clarke co. Sec. 20. *And be it further enacted,* That William A. Robertson, Joseph B. Earl, John Loftin, Samuel B. Shields, William W. Ezell, Robertus Love, and Edmund Butler, be, and they are hereby appointed commissioners for the county of Clarke, who, or a majority of them, shall have power to select and fix on the most suitable site for the seat of justice, in and for the county of Clarke; having due regard to health, water and accommodations: *Provided,* such seat shall not exceed three miles from its centre.

Com. may purchase a place for seat of justice. Sec. 21. *And be it further enacted,* That the commissioners aforesaid, or a majority of them, have power to contract for, and receive, in behalf of said county, a good and sufficient title to four acres of land at the place so fixed on for the seat of justice, for the purpose of erecting thereon a Court house, Jail, and Pillory, for said county: *Provided,*

however, the said commissioners, or a majority of them, or any one of them by the approbation of a majority, may enter one quarter section of public land, if there be any such within three miles of the centre of the county, containing a suitable place for the purpose aforesaid, for the sole use and benefit of said county, under the direction and control of the county court, who are hereby required to pay for the same out of the county treasury; and the said quarter section, when entered by the said commissioners, or a majority of them, or any one of them by the approbation of the others, shall be conveyed and transferred by them or him, to the Justices of the county court and their successors in office, under a penalty of ten thousand dollars, to be recovered by an action of debt in any court having competent jurisdiction.

Sec. 22. *And be it further enacted,* That the said county court, or a majority of them, are authorized, after the commissioners shall have selected the seat and laid off a quantity sufficient for the county buildings, to divide the remainder into lots of a half acre each, to be sold by said court to defray the expenses of said buildings. County court may sell lots.

Sec. 23. *And be it further enacted,* That the said commissioners, or a majority of them, shall have power to contract for, direct, and superintend, the building a Court house and Jail, of such description and dimensions as they shall agree upon: *Provided,* That the said commissioners, or a majority of them, shall advertise for thirty days in the Halcyon, and at three of the most public places in said county, the time and place of letting said buildings, or either of them, and shall contract for the erection thereof with the lowest bidder, who shall enter into bond with sufficient security, payable to the Justices of said county court and their successors in office for the faithful performance of his contract. Com. may contract for court house.

Sec. 24. *And be it further enacted;* That the aforesaid commissioners shall be allowed, to the first Monday in March next, to make a selection of a site for the seat of justice: *Provided,* That if a majority of them shall neglect or refuse to act, on or before that time, it shall be the duty of the county court, and they are hereby required to make such selection themselves, and to do and perform every other act, that the commissioners are by this act authorized to perform. Time of making selection for seat of justice

Sec. 25. *And be it further enacted,* That the county court of said county are hereby authorized and required, to lay such tax on the persons and property of the inhabitants of said county, liable to taxation in other cases, as shall be sufficient to defray all the expenses to be incurred under this act. County court to lay a tax.

Election re-
acts in Clarke
county.

Sec. 26. *And be it further enacted,* That the said county of Clarke shall be divided into six election districts, to wit: One at the house of Duncan Campbell, one at the town of Coffeeville, one at the house of William Coats on Satilfa, one at M'Goffin's store, one at the town of Jackson, and one at Suggsville.

Returns of elec-
tion when made

Sec. 27. *And be it further enacted,* That the returns of election of the several districts, shall be made on the next day after the close of the election, to the house of William Coats, where the votes shall be compared.

Courts to be
held at William
Coats's.

Sec. 28. *And be it further enacted,* That until the public buildings shall have been completed, the Circuit and Inferior courts shall be held at the house of William Coats.

Claiborne the
seat of justice
for Monroe.

Sec. 29. *And be it further enacted.* That the permanent seat of justice in and for the county of Monroe, be, and the same is hereby fixed, at the town of Claiborne, in said county.

Elections in
utierco, where
held

Sec. 30. *And be it further enacted,* That all elections by the people in the county of Butler, shall be held at Fort Dale, or the most convenient house thereto, and at the house of Jesse Womack; and all elections in the county of Henry, at the houses of William C. Watson, Captain S. Smith, and John Fannin; and in the county of Conecuh, in addition to the places heretofore designated, at the house of William Brewer; and all elections in the county of Jackson, at Santa Cave, Honey-comb Spring, and Riley's on Mud creek.

Sheriff, &c.
who fall into
new counties to
continue in office

Sec. 31. *And be it further enacted,* That all sheriffs and clerks of the circuit and inferior courts, who have been elected for the counties, from which the counties established by this act have been taken, who may reside in the counties established by this act, shall continue to hold and exercise the duties of their respective offices within the same, during the period for which they have been elected.

Elections in new
counties when
held.

Sec. 32. *And be it further enacted,* That an election shall be held on the first Monday and Tuesday in February next, in the several counties, from which the counties established by this act shall have been taken, in which vacancies have been occasioned thereby, to fill such vacancies; and also in the several counties established by this act, in which there may be no officer or officers, for the election of a sheriff and clerks of the circuit and inferior courts, or either of them.

Justices of co'ty
court to conduct
elections.

Sec. 33. *And be it further enacted,* That in the counties in which elections shall be held by virtue of this act, in which there may be no sheriff, it shall be the duty of the Justices of the county court, to conduct the elections in conformity with the election laws of this state.

Addition to Ca-
lawes county

Sec. 34. *And be it further enacted,* That all that tract of country, commencing where the line dividing the eighteenth

from the nineteenth township, thence along said line to where the fourteenth range line crosses Mulberry Creek, thence along said range line to the twentieth township, thence east along said township line to the fifteenth range, thence north along said range line to the Shelby county line, thence westward with said line to the main source of Mulberry Creek, shall be added to, and make part of Cahawba county.

Sec. 35. *And be it further enacted*, That the following ^{Places of holding elections in} separate places of holding elections, be, and the same are ^{Greene.} hereby established, to wit: for the county of Greene, at the place of holding courts in said county, at the houses of John Sharpe, Abner Cotton, and Jacob Gillespie, and at the store of Frederick Peck. For the county of Marengo, ^{in Marengo.} at the place of holding courts in said county, at the house of Walter Chiles, and at the town of Demopolis.

Sec. 36. *Be it further enacted*, That the commissioners ^{Commissioners to fix temporary seats of justice.} appointed to select the sites for the permanent seats of justice in each county, be, and they are hereby required to fix temporary seats for holding the courts, until the permanent seats be so fixed on.

Sec. 37. *And be it further enacted*, That the temporary ^{Temporary seat of justice of} seat of justice for Greene county, shall be in the town of ^{Greene.} Erie, or some other place contiguous thereto, until otherwise provided for by law.

Sec. 38. *And be it further enacted*, That Bartley Walker, James Salten, John Speir Radford, L. Cotton, and Robert ^{Commissioners for Conecuh.} Smilie, be, and they are hereby appointed commissioners, who are authorized, or a majority of them, to fix on a site for the public buildings in the county of Conecuh, and the said commissioners, or a majority of them, are hereby authorized to purchase any quantity of land, not exceeding one ^{Their powers.} quarter section, for the purpose of erecting said buildings on; which land, when so purchased, shall be for the use and benefit of said county, to be disposed of as the said commissioners may deem most expedient.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—Dec. 15, 1819.

(Signed)

WM. W. BIBB.

An act to amend the several acts relating to Assessors and Collectors of the Public Revenue.

SECTION 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly*

Assessor to put
up a list of tax-
able Property.

convened, That it shall be the duty of each and every Assessor, in addition to the duties now imposed on them by law, to post up, at the court house door in his county, on or before the first day of June, in each and every year, a complete list of all taxable property by him assessed, together with the names of the persons chargeable with taxes, thereon, and the amount of the taxes due from such persons: and he shall, in all other respects, proceed in the assessing of taxes, and the list to be made thereof, as are now prescribed by law

Collector to pay
monies into the
treasury.

Penalty for neg-
lect.

Sec. 2. *And be it further enacted*, That the collectors of public taxes, in each and every county, shall pay into the public treasury, all monies which shall be due from them, respectively, on or before the first Monday in October, in each and every year: and if the collector shall fail to pay into the State Treasury, any money which may be due from him as collector, on or before the same may become payable by law, it shall be the duty of the Comptroller of public accounts, and he is hereby directed, immediately to notify such delinquent collector, his security or securities, their executors or administrators, by advertisement, published in some newspaper, printed at the seat of government, that he will, by the Attorney General, on such day as shall be named in such notice, move the Supreme Court of the State, for judgment against him or them, and his security or securities, for the amount due to the State; and the Judges of the Supreme Court of the State, or any one of them, are hereby authorized and required, to hold a special court, if necessary, and to give judgment in a summary way, without jury, against such collector, or his executors and administrators, and his security or securities, and award execution accordingly.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—Dec. 17, 1819.

(Signed)

WM. W. BIBB.

An act providing for the determination of suits and controversies, by arbitration.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall and may be lawful for all persons, desirous to end any controversy or suit by arbitration, to appoint any person or persons as arbitrators, and (if suit is pending) the parties shall concisely state in writing, the

ature of the controversy, to any court having jurisdiction thereof, or if in vacation, to any judge of such court; whereupon, the court or judge thereof, shall issue an order, certified by the clerk of the court and directed to said arbitrators, stating the dispute to them referred. And in case any arbitrator or arbitrators, so appointed, shall fail or refuse to act, the parties shall have power to appoint one or more arbitrators, (as the case may be,) in writing, which shall be signed by such parties, deposited in the hands of the arbitrators, and by them returned to the proper officer, with the other papers: said arbitrators, or either of them, are empowered to issue subpoenas for witnesses, under the same regulations as are prescribed by law in cases of suits, to which all sheriffs and constables are directed to give obedience, and all persons summoned as witnesses, by virtue of said subpoenas, shall be allowed the same compensation, while travelling to, and attending on, said arbitration, and be equally privileged from arrest, or on failure to attend, at the times and places in said subpoenas expressed, shall be subject to the same fines and penalties, as witnesses are in similar cases in the circuit courts.

Arbitrators may issue subpoenas.

Sec. 2. *And be it further enacted,* That the arbitrators so chosen, before they enter on the investigation of any matters to them submitted, shall take an oath or affirmation, impartially to determine the controversy to them submitted, agreeably to evidence and the equity of the case, to the best of their judgments, without favor or affection: which oath shall be administered to them by any judge or justice of the peace within this State: the said arbitrators shall make up their award, in writing, under their hands and seals, noting therein the time at which it was made; one fair copy of which signed as aforesaid, shall immediately upon its being made, be delivered to each of the contending parties: and the original shall be delivered to the court, in which the commission was made, at the court next succeeding the date of said award: The award, so made, shall be entered of record, and made the judgment or decree of said court, and shall not be invalidated, set aside, or appealed from; unless it shall be made to appear to said court, that such award was obtained by corruption, evident partiality, or other undue means, in which case either party may appeal therefrom, to any court having cognizance thereof, under the rules and regulations, prescribed by law for the granting appeals from said courts.

Arbitrators to take oath.

To make award in writing.

Award to be entered of record.

Sec. 6. *And be it further enacted,* That no award, made by virtue of this act, shall be liable to be examined into, superseded, or revised by writ of error, or set aside by the court to which it was returned, for want of form only, nor for other irregularity, if such award decides the case, suit, matter or controversy, submitted to arbitration.

Award not to be set aside for informality only.

When amount
does not exceed
fifty dollars.

Sec. 4. *And be it further enacted,* That in cases of suit or controversy, where the amount shall not exceed fifty dollars, the parties may obtain an order from a justice of the peace, directed to such arbitrators as may be appointed, stating the dispute to them referred, who shall take the oath proceed in the same manner, and exercise the same powers, herein before provided; and judgment shall be entered upon the award of the said arbitrators, when rendered to the justice by whom the order was made, which shall not be set aside, invalidated, or appealed from, except in the manner, and for the causes prescribed in this act.

Compensation
of arbitrators.

Sec. 5. *And be it further enacted,* That the arbitrators, for their services, shall receive two dollars per day, if demanded, to be paid jointly by the contending parties, before the delivery of the copies of the award; and the justices and clerks shall be allowed, for all the services performed by them under this act, the same fees as are allowed by law, for the like services in cases of a similar nature.

Fees of justices
and clerks, how
paid.

Sec. 6. *And be it further enacted,* The the fees to the justices and clerks, prior to the return and entry of the award, shall be jointly paid down by the contending parties, as those services are rendered; but after the award is entered of record, all subsequent costs shall be charged to, and collectible from, that party, against whom the judgment or decree shall be, under such award, except the award shall otherwise direct.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 13, 1819.

(Signed)

WM. W. BIBB.

An act to provide for leasing for a limited time the Lands reserved by the Congress of the United States, for the support of Schools, within each township in this State; for a Seminary of Learning, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be the duty of the Chief Justice of the County Court, in each county in this State, as soon as may be after the passage of this act, to appoint two proper

persons, in each township or fractional township, within their respective counties, whose duty it shall be, giving ten days previous notice of the time and place thereof, to hold an election within the same; at which time and place, there shall be elected, by the qualified electors therein, three agents, who shall continue to discharge the duties hereinafter prescribed, for the term of three years from the date of their election, and until their successors shall be elected should vacancies occur by death, resignation or removal, of any of the agents, the same shall be filled by elections as aforesaid; the like notice of the time and place being given by the remaining agent or agents, or where there shall be no agent, by the chief justice as aforesaid; and the agents so elected, shall, at the expiration of each and every term, hold, or cause to be holden, an election, as aforesaid, for three successors.

Three agents to be elected in each township,

Sec. 2. *And be it further enacted*, That the said agents shall have power to let out on lease, for the purpose of improving the same, or to let out at annual rent, as they may think proper, the sections of land reserved by Congress for the support of Schools, within each township in this State: *Provided*, That public notice shall be given by said agents, in five or more public places in the county in which such township may lie, of such intended leasing or renting: *And provided also*, That no lease shall be for a longer term than four years after the time of leasing: *Provided*, that all leases shall expire on the first day of January, and, that not more than one half of the land so leased shall be cleared.

Power of agents

Sec. 3. *And be it further enacted*, That the said agents shall have power to lay off the same into convenient lots, of not exceeding eighty acres each, except in cases of fractional sections. And in every lease which shall be made, the lessee shall be bound in a suitable penalty, not to commit waste on the premises, by destroying timber or removing stone, or any other injury to the lands whatsoever, and shall also be bound in a sufficient penalty, that he will make such improvements on the land, as shall be deemed proper by said agents. All obligations, given by the lessee for the payment of rent, shall be in the name of the agents, for the use of the inhabitants of the township, and shall be recovered by them, for the use of the same by action at law, if necessary.

To lay off lots not exceeding 80 acres.

Lessee not to commit waste.

Sec. 4. *And be it further enacted*, That the said agents shall have power within their respective townships, by legal process to remove any person or persons from the reserved sections, when such person or persons have not taken a lease for the same, or shall neglect or refuse, to deliver quiet and peaceable possession of the premises, when his, her or their lease shall have expired; they shall also

Agents may remove intruders

Inspect and inquire into any waste or trespass committed on any of the reserved sections aforesaid, by cutting or carrying off timber or stone, or any other damage whatsoever, whether by persons residing thereon, or others; and the agents or a majority of them, are hereby authorized and required, when waste or trespass shall have been committed, to proceed against the person or persons aggressing, according to the laws in such cases made and provided; and actions in the case aforesaid, shall be sustained by the whole, or a majority of the agents of the townships respectively: and the damages recovered shall be applied to the same purposes, as the proceeds of the rents from the lands, on which the damages were sustained.

Agents to contract with teachers.

Sec. 5. And be it further enacted, That the agents shall contract with a teacher or teachers, and for a school house or houses, when and wheresoever they may think proper within the township; and the agents aforesaid, are hereby made the trustees of such schools, and are vested with all necessary power for the general superintendence, due organization, and well being of every such school or schools, applying with impartiality, the proceeds of each section, to the purposes of education alone, within the particular township of six miles square, or fractional township within which such section is situated, in such manner, that all the inhabitants therein may partake of the benefits thereof, according to the true intent of the reservation.

Agents to give bond and security for the performance of duties.

Sec. 6. And be it further enacted, That it shall be the duty of the county courts or chief justices, respectively, as soon as may be, after the election of said agents, to take their several obligations with good and sufficient securities, for adequate sums of money, conditioned for their faithful performance of all the duties severally assigned, and made payable to the chief justice of said court, who, upon neglect or failure of any of said agents, shall put his or their obligation in suit: and if such action or actions be bottomed on neglect, so as to recover damages only, the one half of such damages shall go to the chief justice, and the other half to the inhabitants of the township which shall have sustained the injury; but if such action or actions be predicated on pecuniary considerations, which have gone to the injury of the inhabitants of such township, by any such agent or agents, then and in that case, the other members of the county court shall issue an order to the treasurer of the township, in favor of the chief justice for a sufficient amount to remunerate him for his expenditures, in the performance of the duties required of him, which amount the treasurer is hereby required to pay: and upon recoveries had by the chief justice, against any such agent or agents, from monies originally due the people of such township, it shall be the duty of the chief justice to pay over the amount

to the agent for the time being. And it shall be the duty of the county courts, also to know, by oath or otherwise, that the securities tendered in any case, are good and sufficient.

Sec. 7. *And be it further enacted,* That the agents at any time to be elected under this act, shall appoint one of their own body to act as treasurer, whose duty it shall be, to receive and pay over, annually, to his successors, all monies which may remain in his hands, after satisfying and defraying the expenses incident to establishing said school or schools and to paying a teacher or teachers, and a statement of the same, together with a schedule of the number and size of the lots into which they may have divided the sixteenth section, the times and amounts for which they were severally leased or rented, and the persons with their securities, to whom they were rented or leased, to deposit in the office of the clerk of the county court.

Agents to appoint treasurer

His duties

Sec. 8. *And be it further enacted,* That said agent, or agents, shall, before they proceed to the discharge of the duties of their office, take and subscribe the following oath:—
“ I, ———, do solemnly swear (or affirm, as the case may be) that I will, to the best of my abilities, with honesty and fidelity, perform all the duties, which by law are assigned to me, or may be assigned to me, as agent for the management of the sixteenth section, so long as I continue in the exercise thereof, so help me God.” Which oath together with their bonds, shall be deposited in the office of the clerk of the county court: *Provided*, that it shall be optional with the agents, to let the settlers, or improvers, remain on the sixteenth section, a time sufficient to remunerate them for their trouble, not exceeding three years from the first settlement thereof.

Agents to take an oath

Settlers may remain on school lands 3 years for improving them

Sec. 9. *And be it further enacted,* That in any case, where the sixteenth section may be divided by any county line, it shall be the duty of the agents, from each county, elected or appointed as aforesaid, to act jointly for the government of any sixteenth section divided by county lines in the manner aforesaid.

Agents duty when the 16th section is divided by county line

Sec. 10. *And be it further enacted,* That the Governor be and he is hereby authorized, to appoint three commissioners in each county, within which any portion of the two townships of land granted by congress for a seminary of learning, may have been, or shall be reserved, whose duty it shall be, to let or lease the same; which leasing may be done either publicly or privately, as the said commissioners may deem most advantageous to the State: *Provided*, The said lands be first offered for public leasing, in convenient tracts, until the first day of January eighteen hundred and twenty one.

Gov to appoint 3 commissioners of college lands

Their duties

Sec. 11. *And be it further enacted,* That all bonds or notes, given for each and every such lease, shall be made payable

Bonds of lessee payable to Gov.

to the Governor for the use of this State, and may in his name be sued and recovered : and all sums of money arising from such leases, shall be set apart for the purposes of the seminary of learning aforesaid.

General Assembly to elect five Commissioners to select a site for University

Sec 12. *And be it further enacted*, That five commissioners shall be elected, by joint vote of both houses of the Legislature, for the purpose of examining and reporting to the next session of the General Assembly, the most eligible site for a state university, having due regard to the advantages of health, to the nature and situation of the surrounding country, and to the general convenience of the State : and if said commissioners or any one of them, should be of opinion, that two or more places have equal or nearly equal claims to their choice, they shall report the same with a correct description of each.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—Dec. 17, 1819.

(Signed)

WM. W. BIBB.

An act to suppress Duelling.

SECTION 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the first day of April next, no persons residing within this state or being within the limits thereof, shall fight a duel : nor shall any person send or give a challenge, either in writing, verbally, or otherwise, to fight a duel.

When act to take effect.

Judges, Justices &c. required to apprehend persons about to fight a duel and bind them over.

Sec. 2. *And be it further enacted*, That if any Judge of the circuit court, or Justice of the county court, or Justice of the peace, within this state, have just or probable grounds of suspicion, that any person or persons are about to be engaged in a duel, they or either of them, shall by this act have power and be compelled, to issue a warrant to any constable, sheriff, or in the absence of these officers, to any person who is not a qualified peace officer, to take the body or bodies of all whom he may suspect to be concerned, either as principals, seconds, counsellors, aiders or abettors, and have them brought before him : and if after such examination as the Judge or Justice may think proper, it should appear, there are just grounds for believing that a duel is intended, it shall be the duty of such Judge or Justice, to bind the parties suspected in a recognizance, in such sum as he may deem requisite, with sufficient securities, to appear at the next county or circuit court, as well as bind them

to keep the peace until the rising of the court to which they are bound to appear.

Sec. 3. *And be it further enacted*, That if any person or persons be engaged, either as principals or seconds, in fighting a duel: or in other words, fighting in single combat with any deadly weapons, the principals and seconds, and every person or persons directly or indirectly concerned therein, either in sending, giving, accepting or conveying any such challenge, knowing or believing it to be such, their counsellors, aiders or abettors, upon being thereof lawfully convicted, shall be imprisoned three months, and shall, severally, forfeit and pay a fine, to be assessed by any court having jurisdiction, not exceeding two thousand dollars, the one half thereof to be appropriated to the use of the state, and the other half to the use of the informer, and shall stand committed until such fine is paid, and until he or they shall severally give ample security, to be approved by the court aforesaid, for his or their good behaviour, for any term of years not exceeding two; and he or they shall be forever disqualified from being a member of either branch of the legislature, and from holding any office or appointment of profit, honour or trust, either executive, civil, military, or otherwise, in or under the authority of this state: *Provided however*, That in case any death shall happen, in consequence of any duel or single combat with deadly weapons, this act shall not be so construed as to save the offenders, their aiders and abettors, from the pains and penalties of the laws provided for the punishment of wilful murder; and on conviction thereof, shall suffer death.

Persons engaged in fighting a duel may be fined and imprisoned

Disqualified from holding an office.

Provide

Sec. 4. *And be it further enacted*, That all members of the General Assembly, hereafter to be elected, and all officers and public functionaries, hereafter elected or appointed, under the authority of the constitution and laws of this state, shall, before they enter upon the discharge of the duties of their stations or offices, either civil, military, or otherwise, take and subscribe the following oath (in addition to the oath prescribed by the constitution, before any Judge of the circuit or county courts, or any justice of the peace, who shall deliver such oath to the clerk of the circuit court for safe keeping:—"I, ———, do solemnly swear, that I have neither directly or indirectly given, accepted, or knowingly carried a challenge, in writing or otherwise, to any person or persons, to fight a single combat or otherwise with any deadly weapon, either in or out of this state, since I have been a citizen thereof, or aided or abetted the same, since the first day of January, eighteen hundred and twenty; and that I will neither directly or indirectly give, accept, or knowingly carry a challenge in any manner whatsoever, to any person or persons, to fight in single

All officers required to take an oath, &c.

combat or otherwise with any deadly weapon, in or out of this state, or in any manner whatsoever aid or abet the same, during the time for which I am elected, or during my continuance in office, or during my continuance in the discharge of any public function." And upon his or their refusing to take the oath aforesaid, his or their seat, if a member of the general assembly, or his or their office, or public function, or appointment, shall be vacated, and shall be filled in the same manner as if he or they had resigned.

Attornies, &c.
to take an oath

Sec. 5. *And be it further enacted,* That each and every person who now is a practising attorney or counsellor at law, and each and every person who shall hereafter desire to practice as an attorney or counsellor at law, in any court in this state, in addition to the oath by law prescribed to be taken by them, shall take and subscribe the oath prescribed in the fourth section of this act; and upon his or their failing or refusing to take said oath, they shall not be permitted to practice as an attorney or counsellor at law, in any court in this state.

Judges to charge
grand juries

Sec. 6. *And be it further enacted,* That it shall be the duty of all Judges of the circuit courts in this state, to give this act specially in charge to the grand jury, at the commencement of each of their respective sessions.

Grand jury em-
power'd to send
for persons, &c.

Sec. 7. *And be it further enacted,* That the foreman of the grand jury, or any member thereof, in their retirement, shall have power, under the authority of the court then sitting, to send for any person or persons, who, on oath, shall give the grand jury such information as they may possess, relating to, or touching the violation of this law; and it shall be the duty of the grand jury to make presentments to the court of all such as may be violaters; who shall be tried and dealt with as the existing laws may direct

Justices, etc. li-
able to indict-
ment, etc.

Sec. 8. *And be it further enacted,* That if any justice, or other officer bound to preserve the public peace, shall have knowledge of an intention to fight with any deadly weapons, given or received, and not use or exert his official authority, to arrest the parties and prevent the duel, such justice or other officer shall, for such neglect of duty, be indicted, and on conviction, be dismissed from office.

No persons al-
lowed to pub-
lish another as a
coward

Sec. 9. *And be it further enacted,* That if any person or persons shall, in any newspaper, or handbills written or printed, publish or proclaim any other person or persons, as a coward, or use any opprobrious and abusive language, for not accepting a challenge or fighting a duel, such person or persons so offending, shall, on conviction, be sentenced to pay a fine, not exceeding five hundred dollars, as the court may order and direct.

Printers' liabil-
ity.

Sec. 10. *And be it further enacted,* The publisher or printer of any newspaper, handbill or other publication, shall, in all publications under the last mentioned section, be summoned as a witness, and be accepted by the court

as a witness, against the writer or writers of such publication or handbill; and if the said printer or printers, when summoned before the court, shall refuse to give up the writer's name or names, the court shall consider him or them as guilty of flagrant contempt, and shall proceed to punish him or them in an exemplary manner.

Sec. 11. *And be it further enacted*, That all laws in contravention of this act, be, and the same are hereby repealed. Repealing clause.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 17, 1819.

(Signed)

WM. W. BIBB.

An act to repeal certain Laws therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the fourth and fifth sections of the act entitled “an act for the better regulation of judicial proceedings,” passed the seventh of February, eighteen hundred and eighteen: and also the first section of the act entitled “an act to amend an act entitled, an act against usury,” passed thirteenth of February, eighteen hundred and eighteen, be, and the same are hereby repealed.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—Nov. 22, 1819.

(Signed)

WM. W. BIBB.

An act excluding from suffrage, serving as jurors, and holding offices, such persons as may be convicted of bribery, forgery, perjury, and other high crimes and misdemeanors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, any person who may be convicted of bribery, forgery, perjury,

or any other high crime or misdemeanor, shall be disqualified from holding or exercising any office under the authority of this State, from serving in any case as a juror, and from voting at any election.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—27th November, 1819.

(Signed)

WM. W. BIBB.

An act to alter and amend the laws regulating the admission and practice of counsellors and attornies at law.

Counsellors and
Attornies to get
licence.

Provide.

Oath of Coun-
sellor or Attor-
ney.

Who may prac-
tice.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter, no person shall be permitted by any court, to practice therein as counsellor or attorney at law, unless he shall have obtained a licence from the Supreme court of this state; and it shall be the duty of the said court, when application shall be made by any person for a licence as aforesaid on his producing satisfactory evidence that he sustains a good moral character, to examine or cause to be examined in open court the person so applying and if, after such examination, it be the opinion of said court, that he is duly qualified, it shall be the duty of the Judges thereof, to grant a licence under their hands and seals, which shall be attested by the clerk of said court: *Provided,* That nothing in this act contained shall be so construed, as to affect any person who may have obtained a licence from the Governor of the Mississippi Territory, previous to the division of the same, and was an inhabitant of this State at the time of the adoption of the Constitution, or from the Governor of the Alabama Territory, or of this State; but such person shall be permitted to practice as counsellor or attorney at law in any court of law or equity within this state, by virtue of such licence.

Sec. 2. *And be it further enacted,* That every counsellor or attorney, before he be permitted to practice, shall take the following oath or affirmation, to wit: "I—, do solemnly swear, that I will honestly demean myself in the practice of a counsellor or attorney at law, and will execute my said office, according to the best of my skill and ability," which oath or affirmation shall be administered in presence of the court.

Sec. 3. *And be it further enacted,* That no Judge or Justice of any court, or Sheriff, or under Sheriff, shall appear

or plead as attorney in any court in this state; and no clerk or deputy clerk of any court, shall practice as counsellor or attorney in the court of which he is clerk or deputy clerk, under the penalty of being fined by such court, in the sum of fifty dollars, for every such offence, to be applied to the use of the county in which the offence shall have been committed.

Sec. 4. *And be it further enacted*, That all acts and parts of acts, coming within the meaning and purview of this act, be and the same are hereby repealed. Repealing clause

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.

THOMAS BIBB,
President of the Senate.

Approved—Dec. 16, 1819.

(Signed)

WM. W. BIBB.

An act to provide for the appointing of Pilots to pilot boats through the Mus- cle Shoals of Tennessee river.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the county court of the county of Lawrence, County court of Lawrence to ap-
point Pilots. are hereby directed and empowered to licence such number of pilots for the piloting of boats through the above named Shoals, as the court may deem necessary, not exceeding six in number: *Provided*, That no person shall receive said appointment until he produces to said court, evidence of his qualifications and correct knowledge of the boat-channel through said shoals.

Sec. 2. *And be it further enacted*, That each and every person appointed by virtue of this act, shall give bond with security, to be approved by the chief justice of the county court of Lawrence county, in the sum of six thousand dollars, for the true and faithful performance of his duty and correctly conducting every boat (as pilot) committed to his charge, which bond shall be made payable to the chief Justice of the county court, for the benefit of any person or persons, who may sustain an injury by said pilots neglect, inattention or misconduct, to be applied to the benefit of the person or persons, for what damage they have sustained: *Provided*, That no licence shall be granted for a longer term than one year at any time. Pilots to give
bond.

Sec. 3. *And be it further enacted*, That each and every pilot appointed and licenced by virtue of this act, shall receive for each and every boat so piloted, the sum of ten dollars Fees of Pilot.

from the owner or master of said boat, and no pilot shall be compelled to go on board of any boat, above the town of Marathon, or conduct the same below the town of Bainbridge.

Pilot not liable
in certain cases.

Sec. 4. *And be it further enacted*, That no pilot shall be subjected to any damages, on account of an injury done to a boat, in consequence of the dangers of the river by high winds or mismanagement of the bow-hands, or for obeying the direction of the master or owner of any boat.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 13, 1819.

(Signed)

WM. W. BIBB.

An act specifying the causes and manner of removing clerks.

Causes of re-
moving clerks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That if any clerk of any court in this State shall willingly make any false entry, interlineation or erasure of a letter, or change any record in his keeping belonging to his office, or shall neglect to record any will, deed, or other matter proper to be recorded in his office, within a reasonable time after the same shall have been lodged in his office to be recorded, or shall neglect to make out and keep a fair and correct index to the matters recorded in each and every book, or shall neglect to keep in regular file all the papers belonging to his office, keeping every subject matter in its proper and peculiar file, and the papers of each suit together, or shall refuse or neglect to make out in a reasonable time, after application of any person demanding the same, a transcript of any record in his office, or shall make out the same so erroneously or incorrectly that the court to which it is taken cannot proceed thereon, or shall refuse or neglect to perform any of the duties required by law to be performed by such clerk, such clerk shall, upon trial and conviction, be deemed guilty of a misbehaviour in office, and shall be subject to a fine not exceeding two hundred dollars, or be removed therefrom by the Court, and shall also be liable to an action on the case for damages, in behalf of the party aggrieved.

Judges to ap-
point 3 persons
to inspect re-
cords.

Sec. 2. *And be it further enacted*, That it shall be the duty of the judge or judges of the several circuit and county courts in this State, once in every year, to appoint three fit persons who will undertake the same, to inspect the clerk's office of such court, and to compare the records with

the papers filed in the several suits in such court, and report the state of the office of such clerk to the court instant, or to the next court thereafter, which report shall be entered of record in the court.

Sec. 3. *And be it further enacted*, That all charges against Clerks for misbehaviour in office, shall be exhibited to the court in writing, and the court shall direct the facts to be tried by jury, and on conviction thereof, such Clerk shall be fined or removed from office, as the court of which he is Clerk, shall think proper: *Provided*, That every Clerk against whom charges may be exhibited, shall be entitled to a copy thereof, and shall be permitted to make his defence on trial.

Charges how
exhibited and
acted on.

(Signed)

JAMES DELLET.

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—Dec. 17, 1819.

(Signed)

WM. W. BIBB.

An act to prevent frauds and fraudulent combinations in the sale of public lands within this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the first day of January one thousand eight hundred and twenty, it shall not be lawful for any person or persons, either directly or indirectly, or by any deceitful way or means whatsoever, to take or receive any money or other thing of value, from any person or persons, for not bidding for any of the public lands within this State.

No person may
take money for
not bidding for
lands.

Sec. 2. *And be it further enacted*, That if any person or persons shall bid off any of the public lands within this State under an agreement previously entered into, to transfer the same or any part thereof, for a premium or an advance to be paid therefor, and shall transfer the same or any part thereof, in pursuance of such agreement, and shall take or receive any premium or reward, or other thing of value, for so doing, he, she, or they, shall be deemed guilty within the true intent and meaning of this act: *Provided nevertheless*, this act shall not be construed, so as to extend to any agreement or contract, which may be made without intent to violate or evade the provisions of this act, whereby any person or persons shall be employed and furnished with funds to purchase lands for others.

No person to
bid off lands for
another.

Provide.

Certain con-
tracts void.

Sec. 5. *And be it enacted*, That all contracts entered into for the payment of money, or for securing the payment thereof, or from which a benefit might accrue to the obligee or his assignee, for not bidding for any of the public lands within this State, or for giving a premium or reward, for bidding off any of the public lands within this State, under a previous agreement to transfer the same, are hereby declared to be null and void to all intents and purposes whatsoever.

No person may
take a premium
for not bidding.

Sec. 4. *And be it further enacted*, That if any person or persons shall take or receive, any money or other thing of value, directly or indirectly, or by any deceitful way or means whatsoever, for the purpose of evading this act, for not bidding for any of the public lands within this State, or for bidding off any of the public lands within this State, under an agreement previously entered into to transfer the same or any part thereof as aforesaid, he, she, or they, so offending, shall forfeit and pay for every such offence, double the value of the money or other things so taken or received as aforesaid, to be recovered by action of debt, or on the case, one half to the use of him or them, that will sue for the same, and the other half to be paid into the public treasury, for the use of the State.

Violators of
this act may be
indicted.

Sec. 5. *And be it further enacted*, That if any person or persons shall violate the provisions of this act, he, she, or they, shall be liable to be indicted, and upon conviction thereof shall be fined, in a sum not exceeding two thousand, nor less than three hundred dollars, and be imprisoned for a term, not less than three nor more than twelve months, at the discretion of the court before whom, he, she, or they, shall be tried. *Provided nevertheless*, That no person shall be convicted on the evidence alone of either party concerned in any contract or agreement, mentioned in this act.

Remedial stat-
ute.

Sec. 6. *And be it further enacted*, That this shall be deemed a remedial statute, and shall receive a liberal construction; and that the Superior court shall have exclusive jurisdiction of all offences against this act.

Grand jurors
may procure wit-
nesses

Sec. 7. *And be it further enacted*, That it shall be the duty of the Grand Jurors in the several counties in this State, when they believe an offence has been committed against the provisions of this act, to apply to the court, which they are summoned to attend, to issue a subpoena or subpoenas returnable *instantly*, for witnesses to appear before them and give evidence, in the same manner as witnesses now do, on bills of indictment, in such cases as it may be their duty to enquire.

Improvements
may be sold

Sec. 8. *And be it further enacted*, That nothing contained in this act shall be so construed, as to prevent any person, who has made improvements on the United States lands,

from having the right to sell his right to the same, and recover for such consideration.

Sec. 9. *And be it further enacted*, That it shall be the duty of the judges of the several courts of this state, and justices of the peace, upon information by affidavit, to issue their warrant or warrants, to bring before them, or any other judge or justice having cognizance of the same, any person or persons, who has violated any of the provisions of this act: and they are hereby directed and required, to bind any such offender or offenders to appear at the next circuit court to be holden for the county, in such sum as may be deemed proper, to answer the prosecution of the State, under such other regulations as are usual in criminal cases.

Judges and justices may bind over offenders

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved - December 17, 1819.

(Signed)

WM. W. BIBB.

An act to amend the several laws regulating public Ferries, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, no person shall open or establish any public Ferry in this State, without first applying to the court of the county, within which such ferry may be; and the court, for good cause shewn by the party-applying, may grant a licence to establish a ferry, consistent with the provisions of this act, and of the laws regulating public ferries.

Owners of ferries to get licence

Sec. 2. *And be it further enacted*, That it shall be the duty of the court, granting a licence to any person to keep a ferry, to cause the person to whom such licence is granted, to give bond with good security, in the penalty of not more than two thousand, nor less than five hundred dollars, to the said court and their successors, with condition that he, or they, shall and will constantly find, provide, and keep, good and sufficient boats or other proper crafts, and a sufficient number of hands to attend the same, and that he or they will keep in good order the banks on either side of the water-course, across which the ferry may be established. And if any person shall receive damage by any ferry-man, on account of his not having complied with the conditions of his bond, the person receiving such damages, may bring an action of debt against such ferry-man, on such bond, in the

To give bond and security

Proviso

name of the court of the proper county, and recover for non-performance of said condition, so much damage, as he, she, or they, shall appear to have sustained; and thereupon, take out execution for whatever shall be so recovered, and apply the same to his, her, or their use. And it shall and may be lawful for any person, detained at any public ferry by reason of the ferry-man's not having sufficient boats or other proper crafts and lands, or by neglecting to do his duty, by a warrant from a justice of the peace, to recover of such ferry-man, the sum of five dollars for every default or neglect: *Provided*, That any such recovery shall not be deemed to bar any action for personal damages, sustained by any person, by reason of the insufficiency of the said ferries and boats thereat.

Penalty for not obtaining a licence

Sec. 3. *And be it further enacted*, That if any person shall open or establish a ferry, without first obtaining a licence from the county court, agreeable to the provisions of this act, he, or they, shall be liable to pay a fine, not exceeding one thousand dollars; to be recovered by any person suing for the same, in any court of record having competent jurisdiction thereof, by action on the case, or otherwise.

Rates of ferriage to be put up

Cabin to be erected

Sec. 4. *And be it further enacted*, That it shall be the duty of all persons in this State, now keeping public ferries, or to whom a licence may hereafter be granted to keep a public ferry, to keep constantly put up, at some public place, at or near the public landing, the rates of ferriage. And it shall be the duty of all those who now have, or may hereafter have, public ferries across the Tennessee river, to keep a good and commodious cabin for the accommodation of travellers, on both sides of said river, at or near the public landing: *Provided*, That no keeper of a public ferry, shall be compelled to build cabins on other than his own land, or on land that he may hold by lease or rent. And should any person or persons, now keeping a public ferry, fail to keep constantly put up at some public place at or near the public landing, the rates of ferriage, the party so neglecting shall forfeit and pay five dollars, for every month he shall fail to do so; to be recovered by a warrant before any justice of the peace, by the party informing and suing for the same. And should any person, who now has, or may hereafter have, a public ferry across the Tennessee river, fail to keep a good and commodious cabin at or near the public landing, he or they so failing, shall forfeit and pay ten dollars for every month he shall fail to do so; to be recovered on a warrant before any justice of the peace, by the party informing and suing for the same.

Clerks to furnish grand jury a list of ferries

Sec. 5. *And be it further enacted*, That the clerks of the county court shall furnish the grand jury returned for the Superior court, at each and every session, a list of all the

public ferries in their respective counties: and they are hereby authorized to present to the court all those who have not kept their ferries in a good and lawful manner: And it shall be the duty of the judges of the said court, upon such presentment being made by the grand jury, to cause the person or persons so presented, to be summoned to appear before the said court, there to be tried by a petit jury, without any indictment being filed; and if found to be guilty of neglect or non-compliance, in said presentment, the court shall, and are hereby vested with power and authority, to fine every such person or persons, in any sum not exceeding two hundred dollars.

Proceedings a-
gainst owners

Sec. 6. *And be it further enacted,* That this act shall take effect, from and after the first day of May next.

When to take
effect

Sec. 4. *And be it further enacted,* That all laws and parts of laws, not repugnant or contrary to the provisions of this act, shall be, and the same are hereby continued in full force and virtue.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—Dec. —, 1819.

(Signed)

WM. W. BIBB.

An act providing for the preservation of the public arms.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That for the purpose of preserving the arms, which have been, or may be furnished to this State, by virtue of the acts of Congress providing for arming and equipping the militia of the United States, the Governor be, and he is hereby authorized, to cause to be erected, a suitable building, on such lot or parcel of land reserved for public purposes, at the town of Cahawba, as he may designate; and that the arms aforesaid shall be deposited therein, and kept in proper order by some fit person, whom the Governor may appoint, under such rules and responsibility as he shall prescribe.

Governor to
contract for a
building in Ca-
hawba

Sec. 2. *And be it further enacted,* That, to enable the executive to carry into effect the provisions of this act, and for defraying the expenses which have been, or may be, incurred in the transportation of the arms already furnished, a sum not exceeding one thousand dollars be, and the

Appropriation
of 1000 dollars

same is hereby appropriated, to be paid out of any monies in the treasury not otherwise appropriated.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—Dec. 4, 1819.

(Signed)

WM. W. BIBB.

An act to establish a public road therein named.

Road to be laid out from the Military road in Lauderdale to Tuscaloosa

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened;* That a public road be, and the same is hereby established, as follows, to wit: Beginning on the great military road, leading from Columbia in Tennessee to Madisonville in Louisiana, at or near the place where Samuel Craig now lives, on the west side of Big-shoal creek in Lauderdale county; thence, the nearest and best way to the Tennessee river, at the ferry opposite the town of Bainbridge, Franklin county; thence southeast from the southern part of said town, the nearest and best way to the county line between the counties of Lawrence and Franklin; thence south along said county line, wherever the situation of the ground will admit, and at all times as near the said line as practicable, to the southern boundaries of the counties of Lawrence and Franklin; thence the most eligible route to the falls of Tuskaloosa river.

Manner of opening and repairing the road

Sec. 2. *And be it further enacted,* That the said road shall be opened and kept in repair in the following manner, to wit: The Judges of the inferior court for the county of Lauderdale, shall, at the first session after the first day of January eighteen hundred and twenty, appoint five landholders of said county to view and report to said court at their next session, the best and nearest route for said road, from the military road to the Tennessee river as designated in the first section of this act, and the Judges of the inferior court of said county of Lauderdale, shall appoint and direct an overseer, with a sufficient number of hands, to open and keep the same in good repair.

Commissioners in Lawrence & Franklin

Sec. 3. *And be it further enacted,* That John B. Cobbs, Obadiah Waller, William Bryant, George Vandiver, Nicholas King, and Vance M. Cunningham, on the part of the county of Lawrence; and Levi J. Gist, Richard Ellis, Samuel B. Harris, William Skinner, William Mullen, and George Russell, on the part of the county of Franklin, are appointed commissioners, who, or a majority of them, are

empowered, and are hereby required, to meet at Bainbridge, within twenty days after the end of the first session of the county court of the county of Franklin, in the year eighteen hundred and twenty: and the sheriff of the county of Franklin shall notify the commissioners of his county of the time of meeting, (which he shall determine,) and also inform the sheriff of Lawrence county, giving him ten days notice, at least, of the time: and the sheriff of Lawrence shall summons the commissioners of his county; and the said commissioners, or a majority of them, shall proceed to view the route pointed out in the first section of this act, to the southern boundary of the said counties of Lawrence and Franklin: and the said commissioners shall divide the road by them so reviewed, into four divisions, as nearly equal in distance and labour as may be practicable; the first of which districts shall commence at Bainbridge, the overseers to which shall be appointed by the county court of Franklin county; the county court of Lawrence shall appoint the overseers for the second division: The county court of Franklin shall appoint an overseer to the third division; and the county court of Lawrence shall appoint the overseer to the fourth division. And all persons liable to work on public roads, within two miles of said road on either side thereof, shall be bound to assist in opening said road, and keeping the same in repair.

Their duties

Overseers how appointed

Sec. 4. *And be it further enacted*, That John Byler of the county of Lawrence and his associates be, and they are hereby authorized and empowered to continue the said road from the southern boundary of the counties of Lawrence and Franklin, to the centre of the southern boundary of township numbered eighteen, of range numbered ten west, the most eligible route which they can or may have discovered. And the said John Byler and his associates are hereby authorized, so soon as they have opened the said road, to erect a turnpike gate at some convenient place thereon; and persons travelling the road, shall pay to the said John Byler and his associates the following rates of toll, to wit: On a four wheel carriage and team, seventy-five cents; on a two wheeled carriage, fifty cents; on a man and horse, twelve and a half cents; on each pack horse, six and a fourth cents; for a loose horse, six and a fourth cents; for each head of cattle, one cent; for each head of hogs and sheep, half a cent. And if any person shall break through or round the said turnpike gate, with an intention to avoid payment as required by this act, they shall forfeit and pay for every such offence, triple the amount by them due to the said John Byler and his associates, to be recovered by any action of debt before any Judge or Justice of the peace. And the said John Byler and his associates shall continue to keep said road in good repair, and to re-

John Byler and others may continue the road

Erect a turnpike gate

Rates of toll

Road to be kept in repair

ceive all the profits arising from the same, for the term of twelve years; at the expiration of which the same shall be held subject to the disposition of the Legislature of this State.

County court of
Tuskaloosa to
complete the
road

Sec. 5. *And be it further enacted,* That so soon as John Byler and his associates may have opened the road to the centre of the southern boundary of township numbered eighteen of range numbered ten west, and notice thereof being given by said Byler or his associates, it shall be the duty of the Judges of the inferior court of the county of Tuskaloosa, to cause the residue of the road to the falls of Tuskaloosa river, to be viewed by five white male citizens of said county, who shall be sworn to mark the same, from the place of intersection, on the township line between townships eighteen and nineteen, the nearest and best way to the town of Tuskaloosa; and the Judges of the inferior court of the county of Tuskaloosa aforesaid, are hereby required to appoint an overseer of said road, with hands sufficient to cause the same to be opened forthwith, and keep the same in good repair thereafter.

Commissioners
to examine the
road, to be ap-
pointed

Sec. 6. *Be it further enacted,* That the county courts of Tuskaloosa, Franklin and Lawrence, shall each appoint one commissioner, whose duty it shall be to examine that part of the aforesaid road, which is to be cleared by John Byler, twice in each year, and make report annually to the legislature of this state, of the condition in which the said John Byler and his associates have kept said road, each of whom shall receive for his services two dollars, for each day they may necessarily be engaged in viewing said road, to be paid by said John Byler and associates.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—Dec. 16, 1819.

(Signed)

WM. W. BIBB.

An act to alter and amend the laws respecting Strays.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly*

Office of ranger
abolished

convened, That the office of Ranger be, and the same is hereby abolished, and that the duties which by law appertained to the office of Ranger, shall hereafter be done and performed by the Clerks of the county courts in their counties respectively, who shall be entitled to the same fees for all services performed, as are provided by law for ranger.

Duties done by
clerk of county
court

Sec. 2. *And be it further enacted,* That all rangers shall deliver to the clerks of the county courts in their respective counties the several stray books of such county, who shall proceed in all cases in the same manner as the ranger would have proceeded. Rangers to deliver over books

Sec. 3. *And be it further enacted,* That in all cases, when any stray is not valued at a sum exceeding fifty dollars, the said clerks shall proceed to sell the same for cash in six months after the appraisement thereof: and when the value of a stray, or strays, does not exceed twenty dollars, the same shall be sold in six months after the date of the certificate of appraisement. When strays to be sold

Sec. 4. *And be it further enacted,* That all acts and parts of acts, coming within the meaning and purview of this act, be, and the same are hereby repealed. Repealing clause

Sec. 5. This act shall be in force from and after the first day of February next.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—December 17th, 1819.

(Signed)

WM. W. BIBB.

An act to provide for the removal of the public offices.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all officers who are required by law to keep their offices at the seat of government of this state, shall remove the same to the town of Cahawba, within three months from and after the close of the present session of the General Assembly; and the necessary expenses of removing the public seal, records, and papers, shall be paid out of any monies in the treasury, not otherwise appropriated.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—December 13, 1819.

(Signed)

WM. W. BIBB.

An act to authorize the holding an election therein named.

SECTION 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That there shall be holden in the county of Jackson, an election at the several places of holding elections in said county, on the fourth Monday of February next, for the purpose of electing a Sheriff, a Clerk of the circuit court, and a Clerk of the county court, which elections shall be holden and conducted in the same manner that elections of members of the General Assembly are conducted.

Election to be
held in Jackson
county

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 17, 1819.

(Signed)

WM. W. BIBB.

An act to lease certain Salt Springs.

SECTION 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor be, and he is hereby, authorized, to appoint one fit and proper person, who shall have power to lease the Salt Springs and lands donated by the Congress of the United States, by act of the second of March, eighteen hundred and nineteen, to this State, for a term not exceeding that stipulated in said act of Congress, on such terms as will ensure the working the same, most extensively, and most advantageously to this State.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 17, 1819.

(Signed)

WM. W. BIBB.

An act appointing commissioners to lay out a certain road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That John Harrison, John Herbert, and Char-

noek Therp, be, and they are hereby appointed commis- John Harrison and others com- missioners to lay out a road.
 sioners, who, or a majority of them, are hereby authorized
 to lay out and mark the nearest and best way for a road to
 be opened, to begin at such point as they, or a majority of
 them, shall think best, on the new road leading from this
 state to the state of Georgia, which intersects the old fed-
 eral road in the creek nation, in the eleventh and twelfth
 township, and sixteenth or seventeenth range, and from
 such point of beginning to the town of Cahawba. And in
 case the said commissioners, or a majority of them, shall
 find it practicable, that a road may be made on the said di-
 rection, it is hereby made their duty to report thereon to
 the next meeting of the Legislature.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—Dec. 4, 1819.

(Signed)

WM. W. BIBB.

An act for the inspection of lumber and certain other articles therein named.

Section 1. *Be it enacted by the Senate and House of Rep-
 resentatives of the State of Alabama, in General Assembly
 convened,* That the county court of any county in this state, Certain county courts may ap-
 point inspectors
 in which a port of entry is now or hereafter may be estab-
 lished, are hereby authorized and empowered to appoint
 one or more fit and suitable persons, as Inspectors of tar,
 turpentine, pitch, rosin, and lumber.

Sec. 2. *Be it further enacted,* That each inspector, be- Inspector to
 give bond
 fore he enters upon the duties of his office, shall enter into
 bond, with two good and sufficient securities, to be appro-
 ved of by the said court, payable to the Governor for the
 time being and his successors in office, in the sum of one
 thousand dollars, for the faithful performance of the duties
 of his office; and likewise, shall take and subscribe to the
 following oath: "I, — — —, do solemnly swear (or af- take an oath.
 "firm), that according to the best of my abilities, I will
 "comply with, and faithfully fulfil, the duties of inspector,
 "according to law. So help me God."

Sec. 3. *Be it further enacted,* That all staves for expor- What staves
 heading march-
 antable
 tation shall be made of good and sound timber, free of worm
 holes, and shall be of the following qualities and dimen-
 sions. viz:—Each pipe stave shall be made of white oak,
 fifty-four inches long, three inches wide, and one inch thick
 at the thin edge, free of sap; each white oak hogshead

stave shall be forty-two inches long, three and one half inches wide, and not less than seven eighths of an inch thick at the thin edge, and free of sap; each red oak hogshhead stave shall be forty-two inches long, three and a half inches wide, and not less than three fourths of an inch thick at the thin edge:—Each hogshhead heading shall be made of white oak, thirty-two inches long, five inches wide, and not less than one inch thick at the thin edge, and free of sap: each white oak barrel stave shall be thirty-two inches long, three and a half inches wide, and not less than three fourths of an inch thick at the thin edge, and free of sap: each red oak barrel stave shall be thirty-two inches long, three and a half inches wide, and not less than one inch thick at the thin edge —each barrel heading shall be made of white oak, nineteen inches long, six inches wide, and not less than three fourths of an inch thick at the thin edge, and free of sap. Each and every barrel of pitch, or rosin, shall be hooped with six good hoops on each end, and shall weigh three hundred and twenty pounds gross; each barrel of tar and turpentine shall be in good barrels, made of seasoned timber, and shall be bound with seven good hoops on each end, shall be well packed, free of water, strained, and clear, without chips, filth, or dirt, and shall contain thirty-two gallons.

Rosin

Tar and turpentine.

Inspector shall brand each barrel of pitch, tar, &c. and record the quantity &c

Sec. 4. *And be it further enacted, That each inspector appointed as aforesaid, shall brand his name, at full length, and place of residence, on one head of each and every barrel of pitch, rosin, tar, and turpentine, that he may inspect and pass as merchantable, according to the requisitions of this act; he shall also keep a book, in which he shall enter the quantities of each and every article by him inspected and passed, the name of the person for whom the same was inspected, and his place of residence; and shall give a certificate of the same when required, after the fees for inspecting the same shall have been paid him, charging for said certificate twenty-five cents. It shall, moreover, be the duty of each and every inspector, appointed under the provisions of this act, to have and keep a brand for the purpose; and each and every barrel of pitch, rosin, tar, and turpentine, that he may be called to inspect, and which shall not be competent to contain the quantities, as before required in the third section of this act, or in any barrel in which he may discover any intentional fraud or neglect, in the manufacture or putting up of the same, to brand on each head and bung stave, the word "condemned."*

The above articles not to be exported without being inspected

Sec. 5. *Be it further enacted, That if any person or persons shall export, or attempt to export, from any port or place in this state, to a port or place in another state or foreign port, any of the articles above enumerated, not having been inspected according to the true intent and mean-*

ing of this act,—or shall attempt to export any that have been condemned by any inspector, shall forfeit the whole of the article or articles so attempted to be exported; to be recovered by action of debt, in any court having jurisdiction of the same, the one half of the proceeds thereof to the use of the person suing for the same, the other half to the State.

Sec. 8. *Be it further enacted*, That the inspectors aforesaid shall receive for their services the following fees, viz: ^{Fees of inspectors}
 For inspecting pipe staves, and white oak hogshead staves and heading, per thousand, fifty cents; for inspecting red oak hogshead staves, red oak barrel staves, and white oak barrel staves, and heading, per thousand, twenty-five cents; for inspecting and branding pitch, rosin, tar, and turpentine, per barrel, six and a quarter cents.

Sec. 7. *Be it further enacted*, That should any inspector have reason to suspect a fraud, in any barrels of pitch or rosin that he may be called to inspect, it shall be his duty, ^{Inspector required to detect fraud in pitch and rosin} and he is hereby authorized, to cut open any number of barrels, not exceeding one for every ten of the whole number so suspected; and upon finding the same partly filled with any thing other than pitch or rosin, with intent to defraud, in that case, the whole number shall be condemned, and branded accordingly with the word “condemned;” And ^{If condemned} the said inspector shall sell, or cause the same to be sold, at ^{to sell it.} auction, within five days, and the nett proceeds thereof pay into the treasury of the State: And he is hereby required to keep a true and faithful account of the same, in a book for the purpose, and shall be allowed five per centum on the proceeds of all such condemned articles.

Sec. 8. *Be it further enacted*, That if any inspector, appointed as aforesaid, shall knowingly and wilfully fail to comply with the duties and requisitions of this act, or shall pass as merchantable any of the before enumerated articles, other than is expressly permitted and required by law, shall forfeit and pay the sum of two hundred dollars, to be recovered by action of debt, in any court having jurisdiction of the same, the one half to the person suing for the same, the other half to the state; and the county court shall thereupon displace him from the office of Inspector: *Provided*, That no person shall be eligible to hold the office, or exercise the duties of inspector, of any article or articles that he may buy, sell and traffic in the same. ^{Neglect of inspectors how punished.}

Sec. 9. *Be it further enacted*, That this act shall take effect the first day of September next ^{When this act to take effect.}

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 17, 1819.

(Signed)

WM. W. BIBB.

An act to provide for the sale of lots in the town of Cahawba and for other purposes.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor be, and he is hereby authorized and invested with full power, to lay off an additional number of lots in the town of Cahawba, not exceeding two hundred; and expose to sale the whole or any part thereof, under the same rules and regulations, as are prescribed by the act, entitled, "An act providing for the temporary and permanent seat of government," passed the twenty-first day of November eighteen hundred and eighteen.

Gov. may lay off and sell 200 lots.

Gov. required to deposit a map with Secretary of State.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Governor, as aforesaid, to deposit in the office of Secretary of State, an accurate delineation of the plan of said town, designating the respective reservations, and for what purposes

Gov. to make reservations for certain uses.

Sec. 3. *And be it further enacted,* That the Governor, as aforesaid, shall select and reserve one square for the use of an academy, one square for a court house and other public buildings for the county of Dallas, and four lots for Churches; and the said squares and lots, when so selected and reserved, shall be, and are hereby declared, granted and set apart for those purposes respectively.

Sec. 4. *And be it further enacted,* That the lot or parcel of land, numbered one hundred and fifty-one in the plan of the town as now laid off, be, and the same is hereby, appropriated and set apart, for the erection of such buildings for the accommodation of the Executive, as the general assembly may hereafter deem necessary and proper.

Commissioners to take charge of public property.

Sec. 5. *And be it further enacted,* That John Taylor sen. Alexander Pope, Walter O. Beckley, John Howard, John W. Rinaldi and Thomas Casey, be, and they are hereby appointed commissioners whose duty it shall be, under the directions of the Governor, to take charge of the lands and property belonging to the state, within the limits of said town, and to rent annually the ferries and such portions of said lands as are cleared, in such manner and such conditions, as to them may appear best calculated to promote the public interest and make report to every annual Legislature, within the two first weeks of their session.

No person to cut or kill timber.

Sec. 6. *And be it further enacted,* That if any person, or the slave of any person, shall cut down, or kill any tree or trees on the land aforesaid, without leave in writing of the commissioners aforesaid, shall forfeit and pay a sum not exceeding ten dollars, for every tree so cut down or killed

to be recovered with costs before any Justice of the Peace; and the said commissioners are expressly enjoined to prosecute any and every person so offending

Sec. 7. *And be it further enacted*, That the above named commissioners or a majority of them be, and they are hereby appointed commissioners on the part of the state, to contract with any person or persons for building a bridge across the Cahawba river, at such point within the limits of the town of Cahawba, as they may deem best calculated to enhance the value of the lots, lying between the Alabama and Cahawba rivers: *Provided*, said bridge can be built without obstructing the navigation of said river.

Sec. 8. *And be it further enacted*, That a sum not exceeding four thousand dollars be, and is hereby appropriated to defray the expenses of building said bridge, which sum of money shall be raised from the sale of lots hereafter to be made in said Town.

Sec. 9. *And be it further enacted*, That said commissioners shall give at least sixty days notice in two of the public newspapers of this state, of the time and place of letting said bridge; and the said commissioners shall so soon as said bridge may be completed agreeable to contract receive the same and report thereon to the governor of this state, whose duty it shall be to pay said undertaker or undertakers agreeable to contract, out of any monies raised as above directed; and the said undertaker or undertakers shall be bound to keep said bridge up and in good order for the term of seven years.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—December 4, 1819.

(Signed)

WM. W. BIBB.

An act prescribing the manner in which the oath of office shall be administered to the Governor of this State, and certain other officers therein named.

SECTION 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the oath or affirmation required by the first section of the sixth article of the Constitution of this State shall be administered to the Governor, by the Speaker of the House of Representatives, in presence of both Houses of the General Assembly.

Oath of mem-
bers of general
assembly, how
administered.

Sec. 2. *And be it further enacted,* That at the first session of the General Assembly of this State, after every general election, the oath or affirmation prescribed by the Constitution, shall be administered to the Members of the House of Representatives, by a Justice of the Inferior Court or some acting justice of the peace, in the Representative Hall; and the Speaker shall administer the oath to the clerk, previous to entering on any other business, and to the members who shall afterwards appear, previous to their taking their seats. The President of the Senate for the time being, shall also administer the said oath or affirmation to each Senator, and also to the Secretary of the Senate, previous to his entering on the duties of his office. And whenever a President of the Senate shall be elected, the same oath or affirmation shall be administered to him, by any one of the members of the Senate.

Oath of other
officers, how ad-
ministered.

Sec. 3. *Be it enacted,* That all other officers elected, or appointed, or who shall be elected or appointed under the authority of this State, shall, before they act in their respective offices, take the oath or affirmation, prescribed as aforesaid, which shall be administered by any judge or justice of the peace; the person so administering the oath, hereby required to be taken, shall cause a record or certificate to be made, specifying the day and year the same was taken, which said record or certificate shall be, by said judge or justice, deposited with the clerk of the circuit court of the county, in which the same shall have been taken. *Provided,* That the record or certificate of the oath or affirmation, which shall be administered to the Secretary of State, Attorney General, Solicitors, and Judges of the several circuit courts, shall be deposited in the office of the Secretary of State.

Proviso.

Penalty for neg-
lecting the re-
quisites of this
act.

Sec. 4. *And be it further enacted,* That any officer or officers failing to comply with the provisions of this act, shall forfeit and pay the sum of five hundred dollars, one half to the treasury of this State, and the other half to the use of the person who shall sue for the same.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—November 9, 1819.

(Signed)

WM. W. BIBB.

An act affixing Salaries to certain offices within the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly*

convened, That the several officers hereinafter named, shall receive annually, and payable quarter yearly, for all the duties required of them by law, the following sums, to wit:

The Governor, two thousand five hundred dollars; Governor.

The Judges of the Circuit Courts each, one thousand seven hundred and fifty dollars; Judges.

The Attorney General, six hundred and twenty-five dollars; Attorney Gen.

The several Solicitors, two hundred and fifty dollars each, with such fees or perquisites of office as may be by law allowed; Solicitors.

The Secretary of State, one thousand dollars, with such fees as may be allowed by law; Sec'y of State.

The Comptroller, one thousand dollars; Comptroller.

The Treasurer, one thousand dollars. Treasurer.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 13, 1819.

(Signed)

WM. W. BIBB.

An act to authorize Justices of the Peace to receive the acknowledgement and probate of deeds, and relinquishment of dower.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That, hereafter, any two justices of the peace may take the acknowledgment or probate of deeds, and the relinquishment of right of dower by *femes covert*, in the same manner, and under the same regulations, that judges, justices of the quorum, or clerks of the courts, are now authorized to take such acknowledgment, probate, or relinquishment: and the certificate of such justices of the Peace, that such acknowledgment, probate, or relinquishment, has been taken by them, shall be as available in law, and such deed shall be admitted to record thereon, in the same manner and under the same regulations, as if the acknowledgment, probate or relinquishment of dower, had been made, and a certificate thereof given, by a judge, justice of the quorum, or clerk of a court.

Two justices of the peace may receive acknowledgments, &c.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—Dec. 17, 1819.

(Signed)

WM. W. BIBB.

An act to enable the Governor to ascertain the quality and value of certain lands in this State.

SECTION 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor be, and he is hereby authorized to employ one or more persons to examine and report to him, the quality and value of the lands in such parts of this State, which have not yet been sold, as he may designate.

Gov. may employ a person to examine unsold lands.

500 dollars appropriated.

Sec. 2. *And be it further enacted,* That a sum not exceeding five hundred dollars, be, and the same is hereby appropriated for that purpose, to be paid out of any monies in the treasury, not otherwise appropriated.

Oath.

Sec. 3. *And be it further enacted,* That the person or persons employed, pursuant to this act, shall take the following oath, to be administered by any justice of the peace: "I, ———, do solemnly swear (or affirm) that I will examine, and true report make, relative to the quality of the unsold lands in this State, so far as I am instructed, to the best of my skill and ability. So help me God."

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—November 19, 1819.

(Signed)

WM. W. BIBB.

An act to amend the several acts concerning the trial of Slaves.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the Justices of the Inferior court of every county or corporation in this state, shall be Justices of Oyer and Terminer, for trying slaves charged with treason, felony or other crimes and misdemeanors of a higher grade than petit larceny, which trials shall be before any three or more Justices of the court aforesaid, and by a jury of twelve good and lawful men of the vicinage, where such crime shall have been committed.

Justices of the County Court may try slaves for felony.

Manner of proceeding against slaves.

Sec. 2. *And be it further enacted,* That whenever any slave shall be brought before a justice of the county court,

er of the peace, for the commission of any offence against the penal laws of this state, of a higher grade than petit larceny, if the justice after examination should think, there are just or probable grounds of suspicion of the guilt or criminality of the offender, he shall immediately commit such slave to jail, and he is hereby empowered and directed to issue a summons to the sheriff of the county, to summons the justices of the county court, and a jury of twelve good and lawful men of the vicinage, to meet at the court house of said county, neither of whom shall be master of said slave or related to the master or prosecutor of such slave, in any degree, which would be a cause of challenge to a juryman in a trial of a free person; and such court and jury shall proceed in the trial of such slave without presentment or indictment, and no slave shall be condemned, unless he be found guilty by a jury, after allowing him or her counsel in his or her defence whose fee amounting to ten dollars shall be paid by the owner of the slave: *Provided always*, That ^{Provido.} when judgment of death shall be passed upon such offender, there shall be thirty days (at least) between the time of passing judgment and the day of execution, except in cases of conspiracy, insurrection or rebellion.

Sec. 3. *And be it further enacted*, That all acts and parts of acts, not repugnant to the provisions of this act, shall be, and the same are hereby continued in full force.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—Dec. 17, 1819.

(Signed)

WM. W. BIBB.

An act to raise a revenue for the support of Government for the year 1820.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all lands in this State subject to taxation, ^{Classification of lands.} shall belong to one class; the first quality of which shall be rated at six dollars per acre, the second quality at four dollars per acre, and the third quality at two dollars per acre: and the owner or person subject to pay taxes for the same, shall, when he or she shall give in a list of his or her lands, state on oath, to which quality his or her lands belong.

Sec. 2. *And be it further enacted*, That the sum of twenty-five cents for every hundred dollars value, be paid on ^{Tax on lands at the rate of 25 cents to every 100 dollars.} all lands within this State which have been cleared out of

the Land office, or to which a complete title has been obtained by the owner; and the tax on all land purchased of the United States, shall be proportioned to the number of instalments paid by the proprietor at the time of the assessment, as well as to its class or quality, and if one instalment only, be paid to the government, one fourth only of the amount of tax accruing by the laws of the State on land of the same quality, shall be assessed or collected, and in like proportion when a second or third instalment shall have been paid.

Tax on town property *Sec. 3. And be it further enacted,* That the sum of twenty five cents be paid for every hundred dollars value of all lands, lots, or buildings within any city or town, to be estimated by the person giving in the same, upon oath; and thirty cents for every hundred dollars on the amount of merchandize sold within the year immediately preceding the first day of January in each and every year, to be estimated by the owner, or in his absence by the principal clerk, giving in the same on oath; and for every slave, not exempted from taxation by law, over ten years old, seventy-five cents; for all free males above the age of twenty-one years, and not exceeding forty-five, twentyfive cents; for all pleasure carriages, two per centum on every hundred dollars of their estimated value, to be ascertained by the oath of the party giving in the same to the assessor; for every tavern licence or leave to retail spirituous liquors, fifteen dollars; for every horse kept exclusively for the saddle or pleasure carriage one dollar, and for every race horse five dollars; for every public race track twenty dollars; for every stud horse or jack-ass twice the amount for which such stud or jack may stand by the season; and all neat cattle which may be owned by any one man over forty, two cents per head; for every billiard table kept for play, one hundred and fifty dollars; for each licence granted to every hawker or pedlar, fifty dollars; on all goods sold at auction other than those which are exempted by law, two per centum on the amount of sales; on every practising attorney, five dollars; for every practising physician, five dollars; for every gold watch kept for use, one dollar; for every silver watch kept for use, fifty cents; and for every clock kept for use, one dollar.

Merchandize
Slaves
Free males
Pleasure carriages
Tavern licences
Horses
Race track
Stud horse
Neat cattle
Billiard table
Pedlars
Auction sales
Attornies
Physicians
Watches and Clocks

Tax on bank Shares *Sec 4 And be it further enacted,* That on all shares of Bank stock in the Planters' and Merchants' Bank in the town of Huntsville, held by any individual, partnership or body corporate, and all shares held by any individual, partnership or body corporate in the Tombeckbe bank in the town of St. Stephens, and on all shares held by any individual, partnership or body corporate, in any other bank in this state there shall be levied and collected yearly, a revenue at the rate of fifty cents on each share of one hundred dollars and the president and directors, or cashier, on ma-

king out their last dividend for each preceding year, shall return the said amount of taxes and pay the same into the treasury of this State, and shall produce the treasurer's receipt on or before the first day of January in every year; and on failure thereof, the president and directors of said banks, or any number of them in their individual capacity, shall pay to the state one thousand dollars, to be recovered on motion, in the Supreme court, by notice from the comptroller of public accounts, given the president of said bank so making default, as in case of collectors or other public debtors.

Sec. 5. *And be it further enacted,* That when the time shall have expired, within which, the lists of taxable property are to be received, it shall be the duty of the assessors of taxes, to ascertain whether there be any lands or town lots within their respective counties, sold under the authority of the United States, previously to the first of September last, which have not been assessed: and in case any such be found, which have not been forfeited, he shall assess the same according to the rule of assessment prescribed by law on town lots and lands for which a complete title has been obtained, and they shall be doubly taxed

When property may be double taxed.

Sec. 6. *And be it further enacted,* That the collectors of taxes in the several counties, shall at the times and in the manner prescribed by law, make distress and sale of the goods and chattels, lands and tenements, of all delinquents; and in the case of taxes assessed, in the manner directed in the preceding section on lands or town lots, to which a complete title has not been obtained, in which other property sufficient to satisfy the taxes due, together with all costs and charges accruing thereon, cannot be found, it is hereby expressly made the duty of the respective collectors of taxes, to give notice by advertisement at the door of the court house of the proper county, and at two other public places within the county, that on a certain day (which shall be at least thirty days after the date of such advertisement) he shall proceed to the premises, and offer for rent the town lot or lots, or so much of the land (as the case may be) and for such term as may be necessary, to satisfy the taxes due and costs and charges thereon. And he shall accordingly, on the premises offer for rent to the highest bidder, until the first of January succeeding the January immediately ensuing, the town lot or lots, or such portions of the lands (as the case may be) as he may designate, beginning in the case of lands, with ten acres and adding ten thereto, as often as may be necessary to obtain a sufficient sum to satisfy the taxes and costs: and in case the town lot or lots, or lands cannot be rented for a sufficient sum, on the terms aforesaid, they shall be offered for two years from the first of January immediately ensuing, or until a complete title to the same shall be pro-

Collector may distrain for taxes

He may rent out lands to pay taxes.

Proviso.

duced, or the same shall be forfeited to the United States : *Provided*, that the production of a complete title shall, in every case aforesaid, entitle the owner to possession of the premises, upon reimbursing the amount paid for taxes, and charges thereon, to the party by whom such payment has been made, and saving to the occupant the crop which may be on the premises : and should the rent in any case exceed the amount of taxes and charges, the rightful claimant of the town lot or lots, or land (as the case may be) shall be entitled to the overplus.

Collector may
make a lease of
such lands.

Sec. 7. *And be it further enacted*, That the collectors of taxes respectively, shall by an instrument of writing, convey to the party renting the premises as aforesaid, the use thereof, for and during the time for which they were rented, and shall in addition to the compensation allowed by law, be entitled to receive two dollars for executing every such instrument of writing : and such instrument conveying the use of the premises as aforesaid shall be good and effectual both in law and equity : *Provided*, That whenever the tax collector shall find the tenant in possession, who may refuse to pay the tax, and render possession of the premises which may be thus taxed and unpaid he shall have full power to proceed *instantly*, in the same manner as authorised in the case of forcible entry and detainer, and the refusal of the tenant in possession, to render peaceable possession of the premises, on demand, shall be considered as evidence of forcible detainer

Proviso.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—Dec. 16, 1819.

(Signed)

WM. W. BIBB.

An act to authorize the laying off and cutting out certain roads therein mentioned.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That there shall be a road, commencing at the falls of the Black Warrior, and running from thence, the nearest and best route to the town of Cahawba, from thence to the town of Claiborne, and from thence to the town of Blakeley, on the Mobile bay.

Road from Tuscaloosa, by Cahawba and Claiborne, to Blakeley.

Sec. 2. *And be it further enacted*, That there shall be another road, beginning at the town of Cahawba, from thence to the Choctaw corner, from thence to Coffeeville, from

Road from Cahawba to Choctaw corner

thence to Washington court house, from thence to the post road leading from St. Stephens to Natchez.

Sec. 2. *And be it further enacted*, That the Justices of the Inferior court of each county, through which said roads may pass, shall appoint three commissioners on each road, whose duty it shall be to lay off and mark said roads through their respective counties, and appoint as many overseers on the same as may be necessary, and designate the points between which each overseer is to work, and apportion the hands under the same. Com'm's to be appointed

Sec. 4. *And be it further enacted*, That all persons liable to work on roads, who live within two miles of said roads, shall work thereon.

Sec. 5. *And be it further enacted*, That so soon as the said overseers shall have completed said roads, the commissioners shall report the same to the next inferior court of their respective counties. Roads when finished to be reported to the county court

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—December 17th, 1819.

(Signed)

WM. W. BIBB.

An act to prevent the obstruction of the navigable water-courses in this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all water-courses reported to be navigable, open or which may hereafter be reported to be navigable, by the surveyor of the United States, employed in surveying lands in this State, shall be and remain free and open. Navigable water-courses to remain free and open

Sec. 2. *And be it further enacted*, That if any person or persons have heretofore erected, or shall hereafter erect, any fish dam on any such water-courses, he or they shall open in the deepest channel of said water-courses, where any such dam is, or may be erected, one third of said water-course, including the main channel thereof. Fish dams not to obstruct the navigation

Sec. 3. *And be it further enacted*, That in case any person or persons shall fail to comply with the provisions of the second section of this act, he shall forfeit and pay for every such offence the sum of twenty dollars, to be recovered before any Justice of the Peace; one half thereof to the use of the person who will sue for the same, the other half to the county where such offence shall be committed. Penalty for non-compliance with this act

No person to
fall trees into
water-courses,
&c.

Sec. 4. *And be it further enacted,* That if any person or persons shall, after this act takes effect, make any hedges, or cut, or cause to be cut, any tree or trees, to fall in said navigable water-courses, he shall forfeit and pay for every such offence the sum of ten dollars, for every day such hedge or tree shall so remain in said water-course, recoverable before any Justice of the Peace, one half thereof to the use of the person who will sue for the same, and the other half to the use of the county where such offence shall be committed.

When to take
effect

Sec. 5. *And be it further enacted,* That this act shall be in force from and after the first day of March next.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December —, 1819.

(Signed)

WM. W. BIBB.

An act to provide for examining certain rivers therein named, and for other purposes.

Governor au-
thorized to em-
ploy engineer &
assistants to ex-
plore certain ri-
vers

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor of this State be, and he is hereby authorized to employ one skilful engineer, and as many assistants as he may deem necessary, whose duty it shall be, under such instructions and regulations as to him may appear proper, to examine from the falls of the Coosa river to Will's creek, from M'Grew's shoals on the Tombeche, to the falls of the Warrior, from the junction of the Tombeche with the Black Warrior, to the state line, and that from the point where the state line may cross the Buttahatchee, up the same to the military crossing thereof, from the head of the Muscle Shoals to the lower end of Colbert's shoals on the Tennessee, and from Colbert's shoals to where the Alabama state line crosses the Tennessee river below said shoals; from the town of Catowba to the falls of that river; from the falls of the Warrior to the Mulberry fork, and the nearest and best roads from the Tennessee to each of those points, from the junction of the Alabama with the Tallipoosa, to Line creek; and to report to him as soon as practicable, for the information of the General Assembly, to what extent, in what manner, and at what expense, the navigation of each may be improved; and also to examine the country between the waters of the

Mobile and Tennessee rivers, and to report to him the nearest and most eligible approaches which can be made between the same, and at what expenses, for facilitating the commercial intercourse of this State.

Sec. 2. *And be it further enacted*, That for carrying this ^{4000 dollars ap-} act into effect, there shall be, and hereby is, appropriated ^{propriated, to} a sum not exceeding four thousand dollars, to be paid out ^{carry this act} of any monies arising from the fund appropriated by congress, for the purpose of internal improvement within this State.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—December 13, 1819.

(Signed)

WM. W. BIBB.

An act to alter and amend the laws respecting public roads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the county courts, respectively, are hereby ^{County court to} authorized and required to nominate and appoint such persons, from time to time, as they may deem necessary, within their respective counties, who shall apportion the hands, ^{appoint over-} liable by law to work on public roads, among such overseers as they shall direct.

Sec. 2. *Be it further enacted*, That it shall be the duty of each and every person, liable by law to work on public roads, to furnish, in writing, a list of his name, together ^{Persons liable} with all the hands he owns, liable as aforesaid, to the person or persons so nominated or appointed by the county courts aforesaid, within ten days after being notified so to do, by the person or persons aforesaid: and on failure thereof, shall forfeit and pay six dollars, for each and every hand so liable to work on roads: *Provided*, nothing herein contained, shall authorize any overseer to compel any such person or persons, so allotted or apportioned him, to labour on any road, some part of which does not lie within five miles of such person or persons' place of residence. ^{towork on roads} ^{required to give} ^{a list of hands}

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—December 17, 1819.

(Signed)

WM. W. BIBB.

An act to fix the compensation of the members of the General Assembly, and for other purposes therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the President of the Senate and Speaker of the House of Representatives, shall be entitled to receive seven dollars. and each other member of the general assembly five dollars, for each and every day's attendance at the general assembly; and shall, moreover, be allowed, at the commencement and end of every session, five dollars for every twenty miles of the estimated distance, by the most usual road, in coming to, and returning home from the place, at which the general assembly shall sit, and in that proportion for a shorter distance: and if any member of the general assembly shall be detained by sickness after leaving home, in coming to, or be unable to attend the house, after he arrives at the place where the general assembly shall sit, he shall be entitled to the same daily allowance.

Compensation of members of gen. assembly.

Appropriations for the several officers of government

Sec. 2. *And be it further enacted,* That the following sums of money be, and the same are hereby, appropriated: for the expenses of the general assembly, thirty thousand dollars: for the payment of the Judges of the circuit courts, eight thousand seven hundred and fifty dollars: for the payment of the attorney general, seven hundred and fifty five dollars; for the payment of the solicitors, one thousand dollars; for the payment of the secretary of state, one thousand dollars; for the payment of the comptroller, one thousand dollars; for the payment of the adjutant general, one thousand dollars; to the quarter-master general, two hundred dollars; to the governor, twenty-five hundred dollars: to Thomas A. Rogers, for stationary and extra services, one hundred and seventy one dollars; to the clerk of the senate, and clerk of the house of representatives, each, seven dollars per day: to the assistant clerks for each branch of the Legislature, five dollars per day; for the door-keepers one to each house, four dollars per day; to be paid out of any monies in the treasury, not otherwise appropriated.

Contingent fund.

Sec. 3. *And be it further enacted,* That the sum of ten thousand dollars be, and the same is hereby appropriated, as a contingent fund, subject to the order of the governor: out of which the governor is required to draw on the treasury, for the sums due, or which may fall due, to the officers of the territorial government, pursuant to the constitution.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 17, 1819.

(Signed)

WM. W. BIBB.

An act permanently to fix the seat of justice in the county of Lawrence.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an election shall be holden in the county aforesaid, on the first Monday and Tuesday in February next, at the places by law appointed for holding the general elections therein, for the purpose of electing five commissioners, which elections shall, by the proper officer, be conducted, strictly pursuant to the election laws, now in force in this State. Commissioners to be elected.

Sec. 2. *And be it further enacted,* That the said commissioners or a majority of them, shall have full power to fix on the site for the public buildings in said county, which site they shall place at the centre thereof, or at the nearest eligible place thereto. Commissioners may fix on a seat of Justice,

Sec. 3. *Be it further enacted.* That the commissioners to be elected as aforesaid, or a majority of them, shall have power, and it shall be their duty to contract for, and receive a good and lawful title for not less than three acres, nor more than one quarter section of land, at the place by them fixed on for the seat of Justice aforesaid; which land shall by such commissioners be appropriated, as is hereinafter directed to the erection of the public buildings for the county aforesaid. May purchase a site.

Sec. 4. *And be it further enacted,* That the said commissioners, or a majority of them, shall have power to contract for all the necessary public buildings for the county aforesaid, shall fix their several constructions, and superintend, reject, or receive the same, when completed. May contract for public buildings.

Sec. 5. *And be it further enacted,* That the said commissioners or a majority of them, shall give notice in some printed news-paper of the adjacent county, or in the Nashville Whig, and at least five other of the most public places in the different parts of said county, sixty days before letting out of such public buildings, and on the day so notified the said commissioners shall publicly let out the same to the lowest bidder, binding the undertaker or undertakers in a bond of sufficient penalty, and with good security, payable to the said commissioners, for the completion of such public buildings according to the contract of such undertaker or undertakers. Notice to be given of letting out public buildings.

Sec. 6. *And be it further enacted,* That the commissioners are hereby authorized to sell such lands, as they may acquire, for the benefit of said county, at such credits, and in lots of such dimensions, as they may deem expedient: and should the monies, arising from the sale of such lands, be insufficient to meet the expenditures necessary for the

Commissioners may sell lands.

completion of the public buildings aforesaid. the county court is hereby empowered to lay a tax in said county, on such property as is subject to taxation, not exceeding one fourth of the state tax, to be applied to the purpose of completing the public buildings aforesaid.

Compensation
of Commission-
ers.

Sec. 7. *And be it further enacted.* That the commissioners shall be allowed adequate compensation for their services, to be fixed by the county court, who shall draw in favour of such commissioners, on the county treasurer, for the amount, who shall pay over such amount accordingly.

Surplus of sales
to be paid into
the treasury.

Sec. 8. *And be it further enacted.* That should a purchase of land be made as contemplated, and the sales thereof transcend the amount necessary for the completion of the public buildings, and the allowance to the commissioners, such surplus shall, by those commissioners, be paid forthwith into the hands of the county treasurer, subject to the order of the county court for county purposes

Commissioners
required to take
an oath.

Sec. 9. *And be it further enacted.* That the commissioners to be chosen under this act, shall, previous to their entering on the duties assigned them, take and subscribe the following oath: "I ———, do solemnly swear, that I will according to my best and honest judgment, perform all the duties required of me as a commissioner under this act, and will select and fix on the site for the public buildings for Lawrence county, with impartiality to men or place, consulting only the common good and equal rights of every citizen, so help me God" And, moreover, it shall be the duty of the commissioners, so soon as they shall have performed the duties assigned them, in writing, to report the same to the county court of Lawrence, the clerk of which court shall duly record the same in his office, and the site, so selected and reported, shall be the permanent seat of justice for the county aforesaid

(Signed)

JAMES DELLET.

Speaker of the House of Representatives.

THOMAS BIBB.

President of the Senate.

Approved—December 4, 1819.

(Signed)

WM. W. BIBB.

An act authorizing a lottery for the benefit of the Madison lodge and the Alabama lodge.

SECTION 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall and may be lawful for Elias Bay-

ies, Edward G. Kyle, David Moore, Alexander Erskine, ^{Elias Bayles and others may raise} Edwin Hickman, William Atwood, and Edwin Jones, or a ^{15,000 dollars} majority of them, to raise by lottery, in one or more classes ^{by lottery.} as to them may seem most convenient and necessary, any sum not exceeding fifteen thousand dollars, to be appropriated in erecting and furnishing a Masonic Hall, for the use and benefit of the Madison lodge and Alabama lodge, both in the town of Huntsville and the said Elias Bayles, Edward G. Kyle, David Moore, Alex'r Erskine, Wm Atwood, Edwin Jones, and Edwin Hickman, or such of them as may choose to act, shall, before they enter on the duties of their office, in the county court of Madison, enter into bond with security to be approved by said court, to the state of Alabama, in the penal sum of thirty thousand dollars, conditioned for the faithful discharge of the several duties imposed upon them by this act, which bond may, from time to time, be put in suit, in the name of the said state, by any person injured by a breach thereof; and it shall be the duty of the said managers, within ninety days from the completion of ^{Managers required to give bond.} the drawing of the said lottery, to pay to the fortunate person or persons, or to his, her, or their order, all such prizes as may be due agreeable to the scheme which they may have determined upon, and published by them: The said lottery may be drawn in the town of Huntsville, or at such other place as may be most expedient, giving due notice of the time and place of such drawing. The said lodges may appoint two or more persons to superintend in conjunction with two or more of the trustees for the time being of the town of Huntsville, the drawing of said lottery, whose duty it shall be to see the same fairly and impartially conducted; each of the said managers and examiners, and each ^{Prizes to be paid in 90 days after the drawing.} clerk that shall be employed, shall before the drawing commences, take an oath ^{Managers and clerk to take an oath} to act fairly and impartially, in the discharge of his several duties, which oath may be administered by any Justice of the Peace. If the said lottery, or any ^{Lottery to be drawn in three years.} class thereof, be not drawn within three years after the scheme of the same may have been published, the same shall cease, and the purchasers of tickets may demand and receive of the managers any money disbursed for tickets in said lottery.

Sec. 2 *And be it further enacted,* That the aforesaid ^{Managers shall report to the Lodges.} managers shall report to the aforesaid lodges, within six months after the passage of this act, and at all such times thereafter, as may be ordered by said lodges or either of them, the progress made in the sale of tickets, or in the drawing of said lottery; and it shall be their duty to pay over all and any money, which may be raised in the manner heretofore authorized, to the order of said lodges, or to such person or persons as may be authorized by said lodges to

receive the same, for the purpose of erecting and furnishing said Masonic Hall.

Lodges may hold real estate. Sec. 3. *And be it further enacted,* That the master of the Madison lodge and the master of the Alabama lodge, be, and they are hereby, authorized by and with the consent of the other officers of the said lodges, to acquire by purchase, or accept as a donation, an eligible lot or parcel of ground, not exceeding four acres, on which to erect the said Masonic Hall: and the title in and to said lot or parcel of land, with all and singular its appurtenances, so obtained as aforesaid, shall vest, and is hereby vested in the said masters and other officers of the said Madison lodge and Alabama lodge, and their successors in office, to the sole use, benefit, and behoof, of the said lodges.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 13, 1819.

(Signed)

WM. W. BIBB.

An act to incorporate and empower religious societies of every denomination to hold real estate.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be lawful for all persons who are, or hereafter may be, members of any religious denomination, to associate themselves into societies or churches, assume such name as they may think proper, and to adopt articles for their government, not inconsistent with the laws and constitution of this State: any of which churches may appoint deacons, class-leaders, elders, or trustees, at the pleasure of such church, to distinguish them, and may enter of record in their church book such articles of government, and the names of such leaders or trustees; which church may cause such articles of government, with the names of their leaders or trustees, to be recorded in the office of the Clerk of the county court: Whereupon, such church is hereby declared to be a body corporate, and shall be capable of purchasing, receiving, and holding, by such leaders or trustees, lands not exceeding in quantity fifteen acres, together with the appurtenances thereto belonging, which church shall have, enjoy, and enforce all the rights, privileges and powers of any other body corporate, in and over the lands and tenements aforesaid, for the harmoni-

ous and public worship of Almighty God: Which lands and tenements shall descend in perpetuity, to the use of such church and their religious successors, for the purpose aforesaid: *Provided always*, That when any church aforesaid, ^{Previous} shall be disposed to change the site for their meeting house, such church, by their trustees, shall have power to sell and convey the same, and to purchase and receive titles for lands elsewhere, not exceeding fifteen acres.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 17, 1819.

(Signed)

WM. W. BIBB.

An act for the encouragement of killing and destroying of Wolves and Panthers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That every person, who shall kill any wolf or pan- ^{Bounty of} ^{wolves & pan-} ^{thers.} ther in this State, shall receive three dollars for every wolf or panther he shall kill, not exceeding six months old, and for every wolf or panther over the age of six months, five dollars.

Sec. 2. *Be it further enacted,* That any person claiming the benefit of this act, shall produce before some Justice of the peace, (for the county in which such wolf or panther was killed,) the scalp thereof, both ears shall be taken off with the scalp: And said Justice shall administer to such person the following oath, to wit:—"You do solemnly ^{Oath.} swear, or affirm, as the case may be, that the scalp or "scalps, now produced by you, are the scalp or scalps of "the wolves, or panthers, that you, or some one of your "family, have killed in this county, to the best of your "knowledge and belief, and that you or they did not take "this wolf, or panther, in any other county, and bring the "same into this county, either directly or indirectly, and "that the person producing the scalp, or scalps, from the "best of his judgment, does believe, that the same is un- "der, or over, six months old, as the case may be." And said Justice shall grant to such killer, a certificate stating his name, that he has killed a wolf, or panther, as the case may be, and that the same is under, or over, the age of six months, and that the killer of such has taken the oath required by this act, he shall also name the county in said certificate. ^{Made of get-} ^{ting bounty.}

Sec 3 *Be it further enacted*, That every Justice of the Peace, before whom any such scalps as above mentioned shall be produced, shall destroy the same forthwith, after granting the certificate as required by this act

Sec. 4 *And be it further enacted*, That any person holding a certificate under this act, who shall produce to the county treasurer the same, he shall be entitled to the full amount specified in such certificate.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 16, 1819.

(Signed)

WM. W. BIBB.

An act for establishing the permanent seat of justice in Cahawba county.

Commissioners to be elected. **Their powers.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That an election shall be holden at the falls of Cahawba, and at the house of Noah B. Coker, on the first Monday in March next, for the purpose of electing five commissioners, who, or a majority of them, shall have power to fix on a suitable place for the seat of justice in said county, which shall be as near the centre as an eligible situation can be found and procured, at which election, all free white male inhabitants, above the age of twenty-one years, and residents of said county, shall be entitled to vote: and said election shall be opened at the hour of ten o'clock, and close at four of the same day, by the Sheriff or other proper officer, under the inspection of Judges, appointed in the same manner required by law for the election of Representatives.

May purchase a site. Sec. 2. *Be it further enacted*, That the commissioners, elected in pursuance of the foregoing section, or a majority of them, shall have power to contract for, and receive in behalf of said county of Cahawba, a good and sufficient title to not exceeding eighty acres of land, at the place so fixed on for the seat of justice, for the purpose of erecting thereon, a court house, jail, pillory, and stocks, for the use of said county.

May contract for buildings Sec. 3. *And be it further enacted*, That the said commissioners, or a majority of them, shall have power to contract for, direct, and superintend, the building a court house and jail, of such description and dimensions as they shall agree upon, with the approbation of the county court of said coun-

ty: *Provided*, said commissioners, or a majority of them, *Provide* shall advertise for thirty days, at least, in the Cahawba Press, and at three or more public places in said county, the time and place of letting said buildings, or either of them, and shall contract for the erection thereof, with the lowest bidder, who shall enter into bond with sufficient security, for the performance of his contract.

Sec. 4. *And be it further enacted*, That the said commissioners are authorized to fix on a temporary seat of justice, May fix a temporary seat of justice. within four miles of the centre of said county, where the courts in and for said county shall be holden, until a permanent seat of justice shall be fixed on.

Sec. 5. *And be it further enacted*, That the said commissioners shall be entitled to receive, each, three dollars per day, as a compensation for their services: *Provided*, That such sum shall not exceed fifteen dollars each, to be paid out of any monies in the county treasury, not otherwise appropriated. Compensation.

Sec. 6. *And be it further enacted*, That the Falls of Cahawba shall be the seat of justice in said county, until the commissioners, elected in pursuance of the first section of this act, shall report to the county court, that the temporary or permanent seat is ready for the accommodation of the courts. Falls of Cahawba the present seat of justice.

Sec. 7. *And be it further enacted*, That the commissioners appointed by virtue of this act, before they enter upon their duties, shall take an oath, before some Justice of the Peace, to discharge with impartiality their duties of commissioners, having a due regard to the interest of each section of the county. Commissioners to take an oath

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 17, 1819.

(Signed)

WM. W. BIBB.

An act for the relief of the assessor, tax collector, and those who are in arrearages for taxes, in Lauderdale county, for the year 1819.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the collector of taxes for the county of Lauderdale, for the year eighteen hundred and twenty, be authorized, and he is hereby empowered and required, to col- Collectors may collect arrears of 1819

lect the balance of the taxes due from said county to this State, for the year eighteen hundred and nineteen, and make return of the same to the proper officer of the State, at the time required by law, for the return of taxes in the year eighteen hundred and twenty.

Property not
taxed in 1819 to
be taxed by the
collector for
4830

Sec. 2. *And be it further enacted*, That it shall be the duty of the tax collector of Lauderdale county, for the year eighteen hundred and twenty, to ascertain as near as possible, all the property in said county, subject to taxation, and not assessed in the year eighteen hundred and nineteen, and require the owners thereof to give in the same, on oath, to him the said collector, who shall assess the same, in the same manner, and under the same regulations, as property was assessed in eighteen hundred and nineteen: And all those who shall comply with the provisions of this act, shall be exempt from a double tax; but those who refuse to give in and pay, as in this act is required, shall pay a double tax.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—December 3, 1819.

(Signed)

WM. W. BIBB.

An act to provide for the establishment of the Seat of Justice in the County of Franklin.

Commissioners
to be elected. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That there shall be an election in the county of Franklin by the qualified electors thereof, at New Russellville and the Big Spring, on the fourth Monday and Tuesday in January next, for the purpose of electing five commissioners, who, or a majority of them, shall have power to select the most suitable place within three miles of the centre of said county for the seat of justice therein, and said election shall be opened and held in conformity with the laws of this state.

Powers of com-
missioners.

Sec. 2. *And be it further enacted*, That the commissioners when elected, or a majority of them, shall have power to contract for, or receive by donation, not more than forty, nor less than three acres of land, in behalf of said county, and receive a good and sufficient title to the same, at the place so selected for the seat of justice, for the purpose of

erecting thereon a court house and other public buildings. for the use of said county.

Sec. 3. *And be it further enacted*, That it shall be the ^{Their duties.} duty of said commissioners, to contract for and superintend the building a court house and other public buildings, of such dimensions as they shall agree upon with approbation of the county court of said county : *Provided*, that public notice shall be given by said commissioners, for at least thirty days, in the Alabama Republican, and at three or more public places in said county, of the time and place of contracting for the erection of said buildings or either of them, and shall contract for the erection thereof with the lowest bidder, who shall enter into bond with good and sufficient security for the performance of his contract.

Sec. 4. *And be it further enacted*, That for the purpose ^{County court to} of defraying the expenses to be incurred by this act, the ^{lay a tax.} county court of said county, be, and they are hereby, authorized and required to lay a tax, not exceeding one fourth the amount of the state tax, on the persons and property of the inhabitants of said county, liable to taxation as in other cases.

Sec. 5. *And be it further enacted*, That before the com- ^{Commissioners} missioners by this act appointed, enter upon the duties as- ^{to take an oath.} signed them, they shall respectively, before some Judge of the inferior court of said county, take and subscribe the following oath : " I — — —, do solemnly swear, that I will select and finally fix on the site for the public buildings for the county of Franklin, pursuant to this act foregoing, according to my best judgment, with impartiality to man or place, or any other consideration whatsoever, other than the common good and equal rights and interests of the citizens of said county generally. So help me God "

Sec. 6. *And be it further enacted*, That the said commission- ^{Commissioners} ers, so elected and qualified, so soon as they, or a majori- ^{to make report.} ty of them, shall have performed the duties in this act assigned them, shall in writing, make a report of all their proceedings under this act, to the county court of Franklin; the clerk of which court shall place the same of record in his office : and the site, so fixed on and reported by the said commissioners, shall be the permanent seat of justice for said county of Franklin, and this law shall be in force from the day of enactment.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—November 22, 1819.

(Signed)

WM. W. BIBB.

An act to incorporate the town of Tuska- loosa.

Commissioners
to be elected.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an election shall be held at the court house in the town of Tuskalooosa, on the first Tuesday of January, in each and every year, to commence at eleven o'clock in the forenoon, and continue two hours thereafter; at which election, each and every free white male of the age of twenty one years, residing on the fraction of land, known as the south fraction of section number twenty two, township number twenty one, and range number ten west, and in the northern division of public lands in this state, shall be entitled to choose by ballot and majority of votes, seven householders residing on said fraction of land, to act as commissioners of said town of Tuskalooosa, for the term of one year after such election: and the said commissioners, so elected, shall on the succeeding day, after such election in each year, meet and elect by ballot, from their own number, a President, also such other town officers as they may think best, but not from among themselves; and the said commissioners, &c. shall be, and they are hereby constituted a body corporate, by the name and style of *The President, commissioners, &c. of the town of Tuskalooosa*, and by that name, they and their successors in office, shall be capable in law, of suing and being sued, of pleading and being impleaded, in all manner of suits or actions, either in law or equity, and also of doing all acts that are incident to towns corporate.

Incorporated

Powers of com-
missioners.

Sec. 2. *And be it further enacted,* That the said President shall preside and keep order, at all meetings of the said commissioners; but if he be absent or incapable, any other member may be called to the chair, and perform the duties enjoined on the President: any three of said commissioners shall constitute a quorum to do business, when no more can be had: they shall have authority to raise such sum or sums of money, as they shall think necessary, for the good regulation of said town; which sum or sums shall not be assessed on each householder, at a higher rate than twelve and one half cents, nor more on each free male citizen between the ages of twenty one and forty five years, nor more on each slave, according to the regulations established by said President and commissioners: they may also remove nuisances, tax shows and exhibitions for pay, and such property as is usual for corporate towns to tax.

May pass by
laws.

Sec. 3. *And be it further enacted,* That the said President and commissioners shall meet on their own adjournments, and have power from time to time, and at all times,

to make such by-laws and regulations in writing, not inconsistent with the laws of this state, or of the United States as to them shall appear necessary for the order and good government of said town, and the same to put in execution, revoke, or alter, as they may think expedient: *Provided*, that this act and any of the by-laws may be repealed by the general assembly.

Sec. 4. *And be it further enacted*, That the said President and commissioners shall have power to require such security of their several town officers, to annex such fees of office, impose such fines for neglect of duty, or misconduct in the same, as to them may appear proper, and make, limit, impose and levy, such reasonable fines and amercements, in any one case, not exceeding fifty dollars, against and upon all persons who shall offend against the by-laws and regulations for the government of said town, and all such fines and amercements to demand, take and levy, of the goods and chattels of such offender, by warrant issued under the hand and seal of the President for the time being, directed to a constable, or such other officer as for that purpose may be appointed, who is hereby authorized and required to execute the same: which fines and amercements shall be paid over, as the said President and commissioners shall direct, to be appropriated to the use and benefit of the aforesaid town of Tuscaloosa. Take security of town officers

Sec. 5. *And be it further enacted*, That the President and commissioners in office, on the first Tuesday of January in each and every year, shall remain and continue in office, until successors be duly elected: and it shall be the duty of the President or any number of commissioners remaining in office, to preside at the annual election, and declare the persons duly elected at any such election: and when, on counting the ballots, there shall appear to be an equal number for two or more persons, it shall be the duty of the President or commissioners presiding at such election, to declare which of the said persons be duly elected; and in case the whole number of commissioners, authorized to be elected on the first Tuesday in January, of each and every year, shall not then be elected, the said commissioners so remaining in office, shall appoint another day, by public notice given in said town, at least one week previous thereto, for holding an election for commissioners or any number thereof, who may not have been duly elected on the said first Tuesday in January. President &c. to continue in office until successors are elected.

Sec. 6. *And be it further enacted*, That in case of the death, resignation or removal from town, of any of the commissioners, the President for the time being, shall call a meeting of the persons entitled to vote by this act for commissioners, by advertising the same, at least, in two Vacancies how filled.

public places in said town, one week previous thereto, who shall by ballot proceed to supply the vacancy.

Persons fined
may appeal.

Sec. 7. *And be it further enacted,* That if any person or persons feel him, her, or themselves aggrieved by any decision of the President and commissioners of said town, he, she, or they, shall be entitled to an appeal, in the same manner, under the same regulations, and to the same authority, that he, she, or they, would be entitled to, if the decision had been made by a Justice of the Peace.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 13, 1819.

(Signed)

WM. W. BIBB.

An act to extend the Corporation of the town of Huntsville, in Madison county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Corporation of the town of Huntsville shall extend one quarter of a mile from each side of the public square in said town, and be under the same rules, regulations, and restrictions, as are pointed out in the act incorporating the town of Huntsville which Corporation shall not affect the persons or property of Thomas and William Brandon, who reside within the limits of said Corporation.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—Dec 17, 1819.

(Signed)

WM. W. BIBB.

An act appointing additional Commissioners for the town of Huntsville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That John Read, Henry Stokes, and Jesse Searcy, be, and they are hereby appointed additional Commissioners for the town of Huntsville; and the said Commis-

stoners are authorized to associate with the Commissioners now in appointment, and to do all acts which said original Commissioners are, by law, authorized to do.

(Signed)

JAMES DELLET.

Speaker of the House of Representatives.

THOMAS BIBB.

President of the Senate.

Approved—December 16th, 1819.

(Signed)

WM. W. BIBB.

An act to incorporate the town of Coffeeville in the county of Clarke

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the town of Coffeeville in Clarke county, be, and the same is hereby, established and incorporated, including the south west quarter of section nine, in township nine, range one, west of the basis meridian

Sec 2. *And be it further enacted,* That hereafter, the ^{Trustees to be} landholders, freeholders, and householders, within the ^{elected.} town of Coffeeville, on the second Monday in March next, and on that day in each succeeding year, shall hold an election, to commence at ten o'clock in the morning, and close at three in the evening, for the purpose of electing by ballot, five persons, inhabitants of said town, to act as trustees thereof, a majority of whom shall constitute a quorum to do business, also a town constable, assessor, collector, and treasurer, to serve for one year.

Sec 3 *And be it further enacted,* That every free white ^{Who may vote.} male, of the age of twenty-one years and upwards, and who was a resident of said town on the first day of January preceding the day of election for trustees, shall be entitled to vote for said trustees

Sec. 4 *And be it further enacted,* That the said trustees ^{Powers of trustees.} and other officers so elected, shall proceed in the same manner, possess the same powers, and be subject to the same restrictions, as are provided by law, for the government of the trustees and other officers of the town of St. Stephens.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB.

President of the Senate.

Approved—November 22, 1819.

(Signed)

WM. W. BIBB

An act to incorporate the town of Montgomery in the county of Montgomery.

Limits of the town of Montgomery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all that tract of land situate on the east bank of the Alabama river, of the following description, viz: Fraction number twelve, township sixteen, range seventeen, south-east and south-west quarters of section number seven, township sixteen, range eighteen, including all that part of the river lying opposite to said fraction, within sixty yards of its margin, in the county of Montgomery, is hereby incorporated, and shall be called and known by the name of the Town of Montgomery.

Councillors to be elected.

Sec. 2. *And be it further enacted,* That on the first Monday of January next, and in each and every year thereafter on the same day, an election by ballot for seven Councillors shall be held, at some convenient and public place in said town, who shall serve for the term of one year after they shall have been elected: the first election shall be conducted and managed by Andrew Dexter, Jonathan C. Farley, Walter B. Lucas, Ebenezer D. Washburn; and all subsequent elections shall be conducted by two of the councillors to be appointed by the board for that purpose: and the said councillors so elected, shall, on the next day after such election, in each and every year, meet and elect by a majority of votes, from their own body, an Intendant, whose duty it shall be to preside and keep order at all meetings of the said councillors; and in his absence or incapacity, any other member may be called to the chair: and the said councillors shall be, and they are hereby constituted a body corporate, by the name and style of *The Intendant and Council of the Town of Montgomery*, and by that name they and their successors in office shall be capable in law of suing and being sued, of pleading and being impleaded, in all manner of suits either in law or equity, also to have and keep a common seal, and the same to break, alter and amend at pleasure, and in general to do all acts which are incident to bodies corporate, and to purchase, hold, and dispose of, for the benefit of said town, real, personal, or mixed property, to the amount of ten thousand dollars.

Councillors to elect an Intendant.

Style of corporation.

Corporation may pass by-laws.

Sec. 3. *And be it further enacted,* That the said Corporation shall have power to pass by-laws and ordinances, necessary, to preserve the health of said town, to prevent and remove nuisances, to establish night watches and patrols, to establish, alter and ascertain new streets and alleys, with the consent of the proprietors of lots or houses adjoining such streets and alleys, to provide for licensing, taxing, regulating and restraining theatrical amusements

and shows in their said town, to clear and keep in repair the streets and alleys, to have a general control and superintendence over the springs and wells of said town, to establish necessary inspections, to erect and regulate markets and the assize of bread, to regulate the conveyance of water from the vicinity into the town, in general to pass such bye-laws, not contrary to the constitution of this State and the laws thereof, as the said corporation shall from time to time deem expedient and necessary to carry into effect the intent and meaning of this act, and the same to put in execution, to revoke and to alter as the said corporation shall deem expedient; the said corporation shall also have power to appoint a Treasurer, Assessor, Collector and Constable, and such other subordinate officers as they may think necessary, and by ordinance to require such security from the several officers so appointed, to annex such fees to the several offices, to impose such fines for neglect of duty in office not exceeding fifty dollars, as they shall deem necessary. They are hereby also empowered to lay such fine or fines, not exceeding ten dollars, for a breach or breaches of their by-laws, as they may deem proper; and all fines by them imposed, shall be sued for in the name of the corporation, before any justice of the peace, and the money so recovered shall be paid to the treasurer, for the benefit of said town: *Provided*, That this act, and all the by-laws and ordinances of the said corporation, shall at all times be subject to revision or repeal by the General Assembly.

To appoint a
Treasurer, Asses-
sor and Collec-
tor.

Proviso.

Sec. 4. *And be it further enacted*, That the said corporation shall have power and authority, annually, to levy and assess a tax, not exceeding one per centum, upon the value of all the real property in said town, to be assessed by the assessor, according to such regulations as they may deem necessary and proper: they shall also have power to lay and collect a poll tax not exceeding three dollars, on each white male inhabitant in said town above the age of twenty-one years: *Provided*, he shall have resided within said town three months immediately preceding the time the tax shall have been laid: they shall have power also to lay and collect a tax on all four-wheeled carriages; also on carts, waggons, drays, or other vehicles for transportation, which are employed in transporting for pay or compensation, any article whatsoever from one place to another within the limits of said town; and also on all retailers of spirituous liquors, goods, wares, and merchandizes, or either of them, not exceeding ten dollars per annum.

Corporation
may levy tax.

Sec. 5. *And be it further enacted*, That should the sum or sums, so assessed and collected, be deemed by said corporation, insufficient for the supply of said town, the Intendant thereof is hereby authorized, by and with the advice of two of said councillors, to call a meeting of the inhabit-

Manner of in-
creasing tax.

ants of the said town, qualified to vote as aforesaid, by giving five days previous notice thereof, and specifying the object of said meeting, and the said inhabitants shall have power by a majority of votes, to order such further sum or sums to be raised as may be deemed expedient to be assessed, collected, and paid, as the said corporation shall direct.

Vacancies, how filled

Sec. 6. *And be it further enacted*, That when vacancies shall happen in the board of councillors, by death, resignation, or otherwise, such vacancy shall be filled by the board, and the member or members so added, shall continue in office until the succeeding annual election.

Councillors to continue in office until successors are elected

Sec. 7. *And be it further enacted*, That should the elections not take place on the day fixed on for the annual election of councillors, the board shall not for that cause be dissolved, but the incumbents shall remain in office, until their successors are elected; and it shall be the duty of the board to fix some other day as early as convenient within one month thereafter, on which day, two of the councillors shall attend, and hold an election for councillors.

Clerk to be appointed

Sec. 8. *And be it further enacted*, That the said intendant and council shall appoint a clerk, whose duty it shall be to keep a fair record of their proceedings, and to publish the same, and all laws and ordinances, in some public newspaper, or at three several public places in said town.

Intendant &c. to take an oath

Sec. 9. *And be it further enacted*, That the intendant and councillors first appointed, and their successors in office, shall, severally, before they enter on the duties thereof, take an oath before some person qualified to administer the same, that they will faithfully discharge the duties to them committed, without favour, affection, or partiality; a certificate of which oath shall be filed with the clerk of the board of councillors.

Who may vote

Sec. 10. *And be it further enacted*, That all white male persons above the age of twenty one years, who shall have resided within the limits of said town three months immediately preceding an election for councillors, and all landholders and householders therein, shall be deemed qualified electors at such election.

Councillors to be ex officio justices of peace

Sec. 11. *And be it further enacted*, That each and every person who may be elected a councillor for said town shall, *ex officio*, be a Justice of the Peace within the limits of the same.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—Dec. 3, 1819.

(Signed)

WM. W. BIBB.

An act to establish the town of Sommersville, in the county of Cotaco.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the town of Sommersville, in the county of Cotaco, be, and the same is hereby established, as the permanent seat of justice in said county.

Sec. 2. *Be it further enacted.* That there shall be an election holden at the court house in said town, on the first Tuesday in January next, and on that day in each and every year thereafter, to commence at the hour of ten o'clock in the forenoon, and be kept open until the hour of four in the afternoon, for the purpose of electing five persons, inhabitants of said town, to act as trustees thereof: a majority of whom shall constitute a quorum to do business:— and the said trustees shall elect from their own body, a President, who shall preside and keep order at their meetings; they shall also appoint a constable, assessor, collector, and treasurer, who shall serve for one year.

Sec. 3. *And be it further enacted,* That every free white male person of the age of twenty-one years, who may have resided in said town for three months next preceding the election for trustees, or who may be a freeholder in said town, shall be entitled to vote at such election.

Sec. 4. *And be it further enacted,* That all elections for trustees shall be conducted by a Justice of the Quorum or Peace, and two freeholders, inhabitants of said town.

Sec. 5. *And be it further enacted,* That the said trustees, when elected, shall be, and they hereby are, incorporated, with all the powers and privileges, and subject to the same regulations and restrictions, as are by law prescribed for the incorporation and government of the town of Montgomery, in the county of Montgomery.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 3, 1819.

(Signed)

WM. W. BIBB.

An act to establish the Town of Triana, and incorporate its trustees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly*

Limits. convened. That the town of Triana, in Madison county, be and the same is hereby established and incorporated, within the following boundaries, to wit: Beginning at the east bank of Indian Creek, at its mouth, and running up said bank to a point opposite the mouth of the Barren fork of said creek: thence west, to the western boundary line of fraction twenty two, range two, township five, west: thence south with said line, to the Tennessee river: thence south, to a place in said river, fifty yards from its bank at low water mark: thence, running parallel with the bank of said river, to a point opposite the place of beginning.

Who may vote for trustees. Sec. 2. *Be it further enacted,* That all free white male inhabitants of said town, above the age of twenty-one years, are hereby authorized to vote for five persons residing in the town limits, as trustees of the corporation, who are empowered to superintend the police of said town, by passing such by-laws, not contrary to the laws of the United States or of this State, as they may think proper, for the government of said town, and for the suppression and removal of nuisances, laying off and repairing the streets and ways, and clearing out such parts of the above mentioned water-courses as may lie within the above mentioned boundaries.

May assess taxes Sec. 3. The said trustees, or a majority of them, are hereby authorized to assess such taxes, on all property lying within the limits of said town, as they may think proper, for all the purposes of a proper police. Said assessment of taxes, not to exceed one hundred dollars per annum.

Appoint constables. Sec. 4. There shall be a constable appointed within the limits of said town, whose duty it shall be, to collect the aforesaid taxes, and to whom the taxes aforesaid shall be given in upon oath, and the said constable shall receive such per centum, as is received by tax collectors in similar cases.

Election, when held. Sec. 5. The election for trustees shall be held on the first Monday in December next, and forever thereafter on the same day in each succeeding year, from ten o'clock until five in the afternoon, under the direction of any two justices of the peace and a constable, in such place in said town as said justices of the peace may appoint.

(Signed)

JAMES BELLET,
Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—November 13, 1819.

(Signed)

WM. W. BIBB.

An act to establish and incorporate the town of Russelville, in the county of Franklin.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the town of Russelville in the county of Franklin be, and the same is hereby established in conformity with the plan adopted by the trustees of the aforesaid town.

Sec. 2. *And be it further enacted,* That there shall be holden in the said town of Russelville, an election, on the first Monday in January next, and on that day in each and every year, from the hour of ten o'clock in the forenoon, until the hour of four in the afternoon, for the purpose of electing five persons, inhabitants of the town, to act as trustees thereof, a majority of whom shall constitute a quorum to do business; also a Town Constable, Assessor, Collector and Treasurer, to serve for one year: *Provided,* that this act and any of the by-laws, may, at any time, be repealed by the General Assembly.

Election of trustees, &c.

Proviso—subjecting to repeal.

Sec. 3. *And be it further enacted,* That every free white male of full age, who has resided in the town of Russelville three months previous to the election of the trustees, shall be entitled to vote for said trustees.

Councillors—how elected.

Sec. 4. *And be it further enacted,* That the said trustees and other officers so elected, shall proceed in the same manner, possess the same powers, and be subject to the same restrictions, as are provided by law for the government of the trustees and other officers of the town of St. Stephens.

Procedure, &c. to be as in St. Stephens.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—November 27th, 1819.

(Signed)

WM. W. BIBB.

An act to incorporate the town of Moulton in the county of Lawrence.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the freeholders, landholders, and householders of the town of Moulton, shall, on the second Monday in

Commissioners and other town officers to be elected

March next, and in each and every year thereafter, in said town, hold an election, to commence at ten o'clock, A. M. and close at five o'clock, P. M. and then and there elect by ballot, five Commissioners, a majority of whom shall constitute a quorum to do business: also, a Treasurer, Assessor, Collector, and Constable, to serve for the term of one year: and the said commissioners, so elected, shall, on the next day after such election, in each and every year, meet and elect one person from their own body as President, whose duty it shall be to preside and keep order at all meetings of the said commissioners: and the said commissioners shall be, and they are hereby constituted a body corporate, by the name and style of *The President and Commissioners of the Town of Woburn*, and by that name they and their successors in office shall be capable in law of suing and being sued, implead and being impleaded, in all manner of suits and actions, either in law or equity: and also to do all acts which are incident to bodies corporate.

Style of corporation.

Commissioners may lay a tax.

Sec. 2. *And be it further enacted*, That the said commissioners shall have power and authority, to raise such sum or sums of money as they may think necessary for the well regulation of said town, which sum or sums shall be assessed on the landholders, freeholders, and householders, and also on all billiard-tables and puppet-shows within the said town: by the Assessor, according to the regulations to be established by said president and commissioners, and shall be collected by the Collector, at such time or times, and be paid and disposed of in such manner as the said commissioners shall direct: *Provided*, the whole amount of such sum or sums shall not, in any one year, exceed twenty-five cents on every hundred dollars worth of property subject to taxation.

—Pass by-laws.

Sec. 3. That the said commissioners shall meet on their own adjournments, and shall have power from time to time, and at all times hereafter, to make such by-laws and regulations, not inconsistent with the Constitution and laws of the United States or of this State, as to them shall appear necessary for the good government of said town: and the same to put in execution, revoke, or alter, as to them shall appear expedient: and the said president and commissioners, appointed agreeable to the provisions of this act, are hereby empowered to require good and sufficient bond with security, from the several officers herein intended to be appointed, and to annex such fees to these several offices, as they may deem necessary, and impose such fines and penalties for neglect of duty, as may appear to them proper: and to make, limit, and impose all fines and amercements, upon those who may offend against the by-laws by them made, not exceeding in any case the sum of fifty dollars: and all such fines and amercements to take, demand, and

impose fines.

levy, on the goods and chattels of such offender, by warrant issued under the hand and seal of the president, directed to the town constable, who is hereby authorized and required to execute the same: which fines and amercements shall be paid to the treasurer, to be appropriated to the use and benefit of the said town.

Sec. 4. *And be it further enacted*, That the elections intended to be held as mentioned in this act, shall be conducted by a justice of the pence and two householders, in the said town of Moulton. Elections, how conducted.

(Signed)

JAMES DELLET.

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate

Approved—December 17, 1819.

(Signed)

WM. W. BIBB.

An act to establish the seat of justice in the county of Autauga.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Robert Gaston, Zachariah Pope, Alsey Pollard, Alexander R. Hutchinson, and Zaccheus Powell, or a majority of them, be, and they are hereby appointed commissioners, to fix on a site for the public buildings in the county of Autauga: which site, when so fixed upon, shall be and remain the permanent seat of justice for said county; and the aforesaid commissioners, or a majority of them, be, and they are hereby authorized to contract for, and superintend the building of a suitable Court-house, Jail, and Pillory, at such site. Commissioners to fix on the seat of justice.

Sec. 2. *And be it further enacted*. That the commissioners aforesaid, be, and they are hereby authorized, to take a bond or bonds with sufficient security, payable to the said commissioners, for the use of the county, conditioned for the faithful performance of the contract, from the person or persons contracting for the building of the said court-house, jail, and pillory. — to take bond for performance

Sec. 3. *And be it further enacted*, That the commissioners be, and they are hereby authorized to draw on the treasurer of the county of Autauga, for such sum or sums of money, as may be requisite to carry into effect the provisions of this act: and the county treasurer aforesaid, is hereby required to pay to the order of said commissioners, such sum or sums, as by them may be required for the purpose aforesaid. — may draw on county treasurer.

— to take an
oath.

Sec. 4. *And be it further enacted*, That the said commissioners, before entering upon their duties as aforesaid, shall take the following oath, or affirmation (as the case may be): "That I will fix upon such site for the public buildings in the county of Antauga, as in my judgment I shall deem most eligible."

Compensation

Sec. 5. *And be it further enacted*, That the treasurer of said county be, and he is hereby authorized and required, to pay to each of the said commissioners, fifteen dollars, each, for their services, out of any monies in the treasury of said county of Antauga, not otherwise appropriated.

To purchase
land for a site

Sec. 6. *And be it further enacted*, That the said commissioners be, and they are hereby authorised, to purchase any quantity of land, not exceeding forty acres, as in their judgment they may deem proper whereon to fix the public buildings of said county.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—November 22d, 1819.

(Signed)

WM. W. BIBB.

An act for the government of the town of Cahawba.

Limits of the
town

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all that tract of land granted by congress to this state for the seat of government thereof, shall be deemed and taken to be within the limits of the town of Cahawba.

Election of
councillors

Sec. 2. *Be it further enacted*, That on the first Monday in January next, and on the first Monday in January in every year thereafter, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, an election by ballot for seven councillors shall be held at some convenient and public place in said town: and that all free white male persons above the age of twenty one years, who shall have resided within the limits of said town three months immediately preceding such election, and all landholders and householders therein, shall be entitled to vote for said councillors; and when the poll shall be closed, the managers of the election shall proclaim the result, and give notice thereof to the persons so elected: whereupon, the said councillors shall meet and elect by ballot, from their own body an Intendant, whose duty it shall be to preside and preserve order, at all meetings of the council.

By whom elect-
ed

Intendant how
elected.

Sec. 6. *And be it further enacted*, That Willis Roberts, Luther Blake, and Carlisle Humphreys, shall be, and they are hereby appointed, managers of the first election : and the Intendant for the time being shall appoint proper persons, as managers of the elections to be held thereafter ; and when the said Intendant and councillors shall be elected, as aforesaid, and before entering upon his or their office, he or they shall respectively take the following oath, before some Justice of the Peace for the county of Dallas, as Intendant and councillors of the town of Cahawba, to wit : —

“ I — — —, will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavours, to carry into effect the purpose for which I have been appointed. So help me God.”

Managers of the first and subsequent elections

Oath of office

Sec. 4. *Be it further enacted*, That in case of the death of the Intendant, his resignation, removal from office, or absence from the State, the councillors shall thereupon fill such vacancy : and in case of vacancy in the council, by death or otherwise, the Intendant and council shall fill such vacancy, until the next election : and in case the Intendant or any of the council, whilst in office, shall be guilty of any wilful neglect, malpractice, or abuse, on information being filed of the same in any court having cognizance thereof, upon conviction thereof, shall forfeit and pay a sum not exceeding two hundred dollars, for every such wilful neglect, or malpractice or abuse ; the money to be recovered by the Solicitor for the circuit in which the town may be, and lodged with the clerk of the circuit court of the county of Dallas, for the use and benefit of the town. In case of the absence or non-attendance of the Intendant, the town council shall be empowered to elect one to act in his room, on any such occasion.

Vacancies, how filled

Delinquent councillors how punished

Sec. 5. *Be it further enacted*, That the said Intendant shall and may, as occasion may require, summon the members of the council to meet together, any four of whom with the Intendant, may constitute a quorum to do business : and they with the Intendant shall be known by the name of, and are hereby declared to be, *The town council of Cahawba* ; and they, and their successors hereafter to be elected, shall have a common seal, and may purchase, have and hold, possess, receive, enjoy, and retain, to them and their successors in perpetuity, or for any term of years, any estate or estates, real or personal, of what nature or kind soever, not exceeding in value ten thousand dollars, and may sell, alien, exchange, or lease the same, or any part thereof as they may think proper, and by the same name, sue and be sued, answer and be answered unto, implead or be impleaded, in any court of law or equity within this State : and they also shall have full power and authority to make

Intendant may summon council, &c

Style

Have a common seal

and establish all such rules, by-laws, and ordinances respecting the streets, markets, buildings, carriages, waggons, carts, drays, and police of said town, that shall appear to them requisite and necessary, for the security, welfare and convenience of said town, or for preserving health, peace, order and good government, within the same: and the said

May affix fines
for offences

town council may affix fines for offences against their by-laws, not exceeding fifty dollars for every such offence, to be recovered before any magistrate; all which fines, when recovered, shall be applied to the use of said town: and the said town council may assess a tax on the inhabitants of the town, not exceeding one third part of the amount of the general tax which is paid for property within the limits of the town: *Provided*, that nothing herein contained shall authorize said town council, to make any by-laws, repugnant to the constitution and laws of this State: *And provided also*, that this act, and all the by-laws and ordinances of the corporation, shall at all times be subject to revision, or repeal, by the General Assembly.

Proviso

Proviso

Councillors shall
be ex officio justices

Sec. 6. *And be it further enacted*, That the Intendant, and each and every of the council, *ex officio*, shall be vested with all the powers and authorities, that Justices of the Peace are vested with by the laws of this State, and shall and may exercise the same within the limits of said town, under the same penalties and restrictions, to which Justices of the Peace of this State are and shall be subject and liable.

Their procedure in case of
tumult, &c.

Sec. 7. *And be it further enacted*, That in case of tumult or riot, or appearance or probability of tumult or riot, in the said town, the intendant shall immediately summon together the town council, and order the constable of the town to attend the town council, and such measures shall thereupon be taken, as shall appear most advisable, for preventing or suppressing such riot or tumult: and if any town constable shall neglect or refuse, to obey the order for attendance from the intendant, he shall forfeit a sum not exceeding fifty dollars, for every such offence: and any other inhabitant refusing to obey the orders of the Intendant, for the purpose of suppressing any riot or tumult, he shall forfeit a sum not exceeding ten dollars, for every such refusal.

May commit offenders to jail

Sec. 8. *Be it further enacted*, That the said town council shall have full power and authority, from time to time, to commit to close prison in the jail of Dallas county, for any time not exceeding three days, all such person or persons who shall incur any penalty and forfeitures, intended to be inflicted by any of the by-laws of said corporation, passed conformable to the powers vested in them by this act.

May appoint town officers

Sec. 9. *Be it further enacted*. That the Intendant and council shall have power to appoint an assessor, a treasurer,

rer, clerk, constable and all other officers (affixing the salaries and fees of such offices respectively,) as shall appear to them requisite and necessary for carrying into effectual execution all the by-laws, rules, and ordinances, they may make for the good order and government of the town, which officers, when so appointed, shall be bound for the faithful discharge of their respective duties, in such manner as the council shall prescribe.

Sec. 10. *Be it enacted*, That the Intendant and town council of Cahawba are hereby declared to possess, and are invested with all the powers and privileges, which the county court may have, in respect to public roads, and are hereby empowered to enforce the same, in the limits of the town of Cahawba, and no further. To have powers as to certain public roads.

Sec. 11. *Be it further enacted*, That the said town council shall have and exercise, the privileges of granting license for retailing of spirituous and other liquors, and for keeping billiard tables, in the said town of Cahawba. May grant certain licenses.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 3, 1819.

(Signed)

WM. W. BIBB.

An act to establish the town of Courtland in Lawrence county.

Section 1. *Be it enacted by the Senate and House of Representatives for the State of Alabama, in General Assembly convened*, That the town of Courtland in the county of Lawrence, be and the same is hereby established, in conformity with the place adopted by the Trustees of the Courtland company.

Sec. 2 *And be it further enacted*, That there shall be holden in said town of Courtland, an election, on the fourth Friday of December next, and on that day in each and every year, from the hour of ten o'clock in the forenoon, until the hour of four o'clock in the afternoon, for the purpose of electing five persons, inhabitants and lot holders of said town, trustees thereof, a majority of whom shall at all times constitute a quorum to do business: also a town Treasurer, Assessor, Collector, and Town Constable, to serve for one year: and the said Trustees shall meet on the day next succeeding the term of election, and choose from among themselves, a President, who shall preside and keep order at all meetings of said Trustees: and the President Trustees, treasurer, collector, assessor, & constable to be elected.

Trustees to choose a president.

of the trustees is hereby vested with all the powers, privileges, and duties of a Justice of the Peace, within the corporate limits of said town.

Election by whom to be conducted.

Sec. 3. *And be it further enacted*, That Robert B. Cairry, Thomas Woolridge, Ira Carlton, Benjamin Thomas, and Gideon G. Williams, or a majority of them, are appointed managers of the first election for officers of said Town: and the Trustees that may be in office at all subsequent elections, shall be the managers of the same. All officers of said Town shall continue to act, until their successors be duly elected and qualified: and all free white male citizens of said Town, of the age of twenty-one years and upwards, who may have resided therein three months next preceding any annual election, shall be deemed a qualified elector to vote for officers of said town.

Who may vote.

Trustees &c. to take an oath.

Their powers.

Sec. 4. *And be it further enacted*, That the Trustees and other officers elected for the government of said Town, shall severally, take an oath, *faithfully and impartially to discharge the duties of their respective offices, so long as they continue in the same*: and the said Trustees and other officers of the Town of Courtland, shall proceed in the same manner, possess the same powers, and be subject to the same restrictions, that are pointed out for the government of the Trustees and other officers of the Town of St. Stephens.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—December 13, 1819.

(Signed)

WM. W. BIBB.

An act to incorporate the town of Claiborne in the county of Monroe.

Limits.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all that tract of land, which has been, or shall be reserved, under the authority of the United States, for the purposes of a Town, including the place known by the name of Fort Claiborne, lying on the east side of the Alabama river, in the county of Monroe, shall be deemed and taken to be within the limits of the town hereby incorporated.

Councillors to be chosen.

Sec. 2. *And be it further enacted*, That on the first Monday in January next, and in each and every year thereafter on the same day, an election by ballot for seven Coun-

cillors shall be held, at some convenient and public place in said town, who shall serve for the term of one year after they shall have been elected: the first election shall be conducted and managed by John Bell and James Simpson; and all subsequent elections shall be conducted by two of the councillors so elected, who shall, on the next day after such election, in each and every year, meet and elect by a majority of votes, from their own body, an Intendant, whose duty it shall be to preside and keep order at all meetings of the said councillors, and in his absence or incapacity any other member may be called to the chair: and the said councillors shall be, and they are hereby constituted a body corporate, by the name of *The Intendant and Council of the Town of Claiborne*, and by that name they and their successors in office shall be capable in law of suing and of being sued, of pleading and being impleaded, in all manner of suits either in law or equity: also to have and keep a common seal, and the same to keep, alter and amend at pleasure, and in general to do all acts which are incident to bodies corporate, and to purchase, hold, and dispose of, for the benefit of said town, real, personal, or mixed property, to the amount of ten thousand dollars

Intendant to be elected.

Sec. 3. *And be it further enacted*, That the said Corporation shall have power to pass by-laws and ordinances, necessary, to preserve the health of said town, to prevent and remove nuisances, to establish night watches and patrols, to establish, alter and ascertain new streets and alleys, (with the consent of the proprietors of lots or houses adjoining such streets and alleys,) to provide for licensing, taxing, regulating and restraining theatric amusements and shows within said town, to clear and keep in repair the streets and alleys, to have general control and superintendence over the springs and wells of said town, to establish necessary inspections, and regulate markets and the assize of bread, to regulate the conveyance of water from the vicinity into said town, and in general to pass such by-laws, not contrary to the constitution of this State and the laws thereof, as the said corporation aforesaid shall, from time to time, deem expedient and necessary, to carry into effect the intent and meaning of this act, and to put into execution, to revoke, and to alter, as the said corporation shall deem expedient: the said corporation shall also have power to appoint a Treasurer, Assessor, Collector, and Constable, and such other officers as they may think necessary, and by ordinance to require such security from the said officers so appointed, to annex such fees to the several offices, to impose such fines for neglect of duty in office not exceeding fifty dollars, as they shall deem necessary. They are hereby also empowered to lay such

Corporation to pass by-laws

Appoint treasurer, assessor, &c.

Proviso.

fine or fines (not exceeding ten dollars) for a breach of breaches of their by-laws, as they may deem proper; and all fines by them imposed, shall be sued for, in the name of the corporation, before any justice of the peace, and the money so recovered, shall be paid to the treasurer, for the benefit of said town: *Provided*, That this act, and all the by-laws and ordinances of the said corporation, shall, at all times, be subject to revision or repeal by the General Assembly.

May levy taxes.

Sec. 4. *And be it further enacted*, That the said corporation shall have power and authority, annually, to levy and assess a tax not exceeding one per centum, upon the value of all the real property in said town, to be assessed by the assessor, according to such regulations as they may deem necessary and proper: they shall also have power to lay and collect a poll tax, not exceeding two dollars each white male inhabitant of said town, above the age of twenty one years: *Provided*, he shall have resided within said town, three months immediately preceding the time the tax shall have been levied: they shall have power, also, to lay and collect a tax, on all four wheeled pleasure carriages: also, on carts, waggons, drays, or other vehicles for transportation, which are employed in transporting for pay or compensation, any article whatsoever, from one place to another within the limits of said Town; and also, on all retailers of spirituous liquors, if not exceeding ten dollars per annum; and also, the power of taxing billiard tables.

Manner of laying additional taxes.

Sec. 5. *And be it further enacted*, That should the sum or sums so assessed and collected, be deemed by said incorporation, insufficient for the supply of said town, the Intendant thereof is hereby authorized, by and with the advice of two of said Councillors, to call a meeting of the inhabitants of said town, qualified to vote as aforesaid, by giving five days previous notice thereof, and specifying the object of said meeting: and the said meeting shall have power by a majority of votes, to order further sum or sums to be raised, as may be deemed expedient, to be assessed, collected, and paid, as the said corporation shall direct.

Vacancies, how filled.

Sec. 6. *And be it further enacted*, That when vacancies shall happen in the board of Councillors, by death, resignation, or otherwise, such vacancy shall be filled by the board: and the member or members so added, shall continue in office, until the succeeding annual election.

Councillors to continue in office till successors are appointed.

Sec. 7. *And be it further enacted*, That should the elections not take place on the day fixed on, of councillors, the board shall not for that cause be dissolved, but the incumbents shall remain in office, until their successors are elected: and it shall be the duty of the board, to fix some other day as early as convenient, within one month thereafter

on which day, two of the Councillors shall attend, and hold an election for Councillors.

Sec. 8. *And be it further enacted,* That the said Intendant and council shall appoint a clerk, whose duty it shall be, to keep a fair record of their proceedings, and to publish the same and all laws and ordinances, in some public newspaper, or at three several public places in said town. Clerk to be appointed

Sec. 9. *And be it further enacted,* That the Intendant and Councillors first appointed, and their successors in office shall, severally, before they enter on the duties thereof, take an oath before some person qualified to administer the same, that they will faithfully discharge the duties to them committed, without favour or partiality : a certificate of which oath shall be filed with the clerk of the board of commissioners. Intendant and councillors to take an oath

Sec. 10. *And be it further enacted,* That all white male persons, above the age of twenty-one years, who shall have resided within the limits of said town three months immediately preceding an election for councillors, and all landholders and householders therein, shall be deemed qualified electors at such election. Wh. may vote at elections

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—November 26, 1819.

(Signed)

WM. W. BIBB

An act to incorporate the city of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the inhabitants of the town of Mobile be constituted a body politic and corporate, by the name of *The Mayor and Aldermen of the city of Mobile*, and by their corporate name, may sue and be sued, implead and be impleaded, grant, receive and do all other acts as natural persons, and may purchase and hold real, personal, and mixed property, not exceeding at any one time fifty thousand dollars, or dispose of the same for the benefit of said city, and may have and use a city seal, which may be broken or altered at pleasure. Style, privileges, &c. of corporation

Sec. 2. *And be it further enacted,* That the limits or boundaries of the city of Mobile, shall be as follows : Commencing at Choctaw point and running in a straight direction, to the western banks of the Bayou Chotage, at a point lying two hundred yards above the place on said Bayou Corporation limits

Chotage called the Portage; thence, down the western bank of said Bayou, to its mouth; thence in a straight line, to the west bank of the island, in front of Mobile; thence along the margin of said island, to the south point of said island, and thence in a straight line, to the place of beginning

Mayor and al-
dermen may
appoint city of-
ficers

Sec. 3. *And be it further enacted*, That the said Mayor and Aldermen shall have full power to appoint a clerk to the corporation, a treasurer, an inspector, or inspectors of streets, lanes and alleys, fences, yards, and all out houses, three police constables, an assessor, a collector of taxes, an attorney to the corporation, and all other officers necessary to carry into effect this incorporation.

Their number
and qualifica-
tions

Sec. 4. *And be it further enacted*, That the said corporation of the city of Mobile, consisting of Mayor and Aldermen, shall be constituted of seven members, residents of the city, and over the age of twenty-one years, and each of whom shall be possessed of a freehold estate within the limits of said city; the said Aldermen to be elected annually, by ballot in a general ticket, by the free white male inhabitants of the age of twenty-one, being freeholders within the city, or, who have resided in the city twelve months, and paid taxes therein the year preceding that, in which the election shall be held, and have rented a tenement or separate room, six months immediately preceding the said election.

How and by
whom elected

Com. to appoint
judges of first
election, etc.

The commissioners of the town of Mobile, in office when this act shall go into operation, shall appoint three inspectors or judges, to preside at the first election of Aldermen, whose certificate, stating the number of votes taken, and who are the seven highest on the list (and said certificate being filed in the clerk's office of the commissioners of the town of Mobile,) shall be conclusive, as to who are elected Aldermen for said city: and at all elections subsequent to the first, the Mayor and Aldermen for the time being, shall appoint the said three inspectors or judges to preside at the elections, whose certificate, as aforesaid, shall be conclusive, being filed with the clerk of the Mayor and Aldermen of the city of Mobile: and the said inspectors or judges shall have full power and authority to keep order at the place of holding the said elections, and to commit to the jail of the county, for the space of forty-eight hours, any person who shall attempt to make, or make, any disturbance at the place of holding the said elections, so as to interfere with the peaceable and orderly conducting of said elections; and the sheriff of the county of Mobile, and the police constables, appointed by the Mayor and Aldermen of the city of Mobile, are hereby commanded to obey and carry into execution, all process issued by the said judges or inspectors, as aforesaid, in pursuance of this act; and the said inspectors or judges shall give ten days public notice, by advertising in some public news-

To keep order
thereat

paper, printed within the said city of Mobile, or by posting up such notice in two of the most public places within said city, of the time and place of holding the said elections, which said place must be within the incorporated limits of the city of Mobile: and if there should be an equal number of votes, between any two persons or more, who shall be voted for at the regular elections for Aldermen, so as to prevent the election of the whole number designated by this act, the said judges and inspectors shall declare the fact, and issue notices for a new election, in the same mode as for the regular elections, to supply the places of those who may have an equal number of votes. And in case of the death, continued absence for four months, resignation, or removal, of any one who shall be elected Alderman, an election, in the mode prescribed by this act, shall take place, to supply the vacancy. That the first election shall take place on the second Monday of February in the year eighteen hundred and twenty, and that the regular subsequent elections shall be on the first Monday of December in each year, and that in three days subsequent to each election, each person who shall be elected, shall take the following oath, before any justice of the peace or judge of any court within the county of Mobile: "I ——— do solemnly swear, that I will truly execute the duties of Alderman, as prescribed by the act incorporating the city of Mobile." And that immediately after the said oath shall be taken, the said Aldermen shall meet at some convenient place, within the incorporated limits of the said city of Mobile, and there organize, and, by vote *viva voce* shall proceed to elect a Mayor from their number: and he who shall have the highest number of votes, shall be declared Mayor for the succeeding year, and that four members present shall constitute a quorum to do business.

Election in case of death

Election of aldermen

Their oath

Aldermen to elect a mayor

Sec. 5. *And be it further enacted*, That that polls for said election of Aldermen, shall be kept open, from eight o'clock in the morning until six o'clock in the evening, and no longer, for the reception of ballots: on closing the polls, the judges shall close and seal the ballot boxes, and meet at ten o'clock in the morning of the day following, and in a public manner the seals shall be broken and the ballots counted: and when the certificate of the said Judges and Inspectors or inspectors as aforesaid, shall be as aforesaid filed, the clerk with whom the said certificate shall be filed, shall immediately give a written notice to each person certified, of his having been elected as aforesaid.

Regulating elections

Sec. 6. *And be it further enacted*, That the said Mayor and Aldermen, or a majority of them, shall have power to adjourn their meetings from time to time, unless sooner called together by a written notice from the Mayor, designating the time and place of holding such meeting: they shall

Manner of adjournment and procedure

keep a journal of their proceedings, and enter the yeas and nays on any question, resolve, or ordinance, at the request of any member : and their deliberations shall be public.

May pass by
laws, &c.

Sec. 7. *And be it further enacted.* That the Mayor and Alderman aforesaid, or a majority of those present, shall have full power and authority to pass all by-laws and ordinances, to regulate the stationing, anchorage, and mooring of vessels within their jurisdiction : to prevent and remove nuisances : to prevent the introduction of contagious or infectious diseases within the said city, by regulating the approach of vessels having sick on board, and the landing the sick, or of articles calculated to produce disease, and by providing one or more places for the reception of the sick, or by any other lawful means whatsoever : to establish night watches or patrols and erect lamps ; to provide for licencing and regulating retailers of liquors within the limits of the said incorporation, and the annulling the same on good and sufficient complaint being made against any person holding such licence : for the regulating of hackney carriages, waggons, carts and drays, and for licencing the same : and for the regulating of pawn brokers within the city : to restrain or prohibit gambling : and to provide for licencing and regulating theatrical and other public amusements within the city : to regulate and establish markets, and to rent out the stalls in the same, and to prohibit the selling of meats, poultry, fish, or game, except at the public market or markets : to erect and repair bridges : to keep in repair all necessary streets, avenues, drains and sewers, and to pass regulations necessary for the preservation of the same : to provide for the licencing and regulating the sweeping of chimneys and fixing the rates thereof : to establish and regulate fire wards and fire companies ; to sink wells and erect and repair pumps in the streets ; to impose and appropriate fines, penalties and forfeitures for breach of their ordinances or by-laws : to enact by-laws for the prevention and extinguishment of fires, and if necessary to remove or pull down buildings, or fences for the prevention of the spreading of the same ; to erect and establish hospitals or pesthouses, workhouses, houses of correction, penitentiary, and other buildings, for the use of the city, or to join with the county of Mobile in the erection of the same, and to have a joint control over the same with the public authorities of the county, and to lay and collect taxes as prescribed by this act, for defraying the expenses thereof, and for all other necessary purposes ; to regulate parties and other fences, and determine by whom the same shall be made and kept in repair ; to restrain and prohibit the nightly and other meetings or disorderly assemblies of slaves, free negroes and mulattoes, and to punish such slaves by whipping not exceeding twenty stripes, and to

punish such free negroes and mulattoes, and other persons for such offences, by fixed penalties not exceeding fifty dollars for any one offence, and in case of the inability of such free negro or mulatto, or other person, to pay and satisfy any such penalty and cost thereon, to cause such free negro or mulatto, or other person, to be confined to labour for such reasonable time, not exceeding three calendar months for any one offence, as may be deemed equivalent to such penalty and costs, which said labour shall be such as shall be designated by the said Mayor and Aldermen for the general benefit of the said city: to cause all vagrants, idle or disorderly persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the city as paupers, or are found begging or drunk in and about the streets, or loitering in or about tippling houses, or who can shew no reasonable course of business or employment in the city, all who have no fixed place of residence, or cannot give a good account of themselves, all who are grossly indecent in language or behaviour publicly in the street, and all public prostitutes, or such as lead a notoriously lewd or lascivious course of life, to give security for their good behaviour for a reasonable time, and to indemnify the city against any charge for their support; and in case of their refusal or inability to give such security, to cause them to be confined to labour for a limited time, not exceeding four calendar months, unless such security shall sooner be given, which said labour shall be such as shall be designated by the Mayor and Aldermen, for the general benefit of the said city; and that the labour so designated by the Mayor and Aldermen may be carried into effect, they shall have power to appoint a person or persons to take those so confined and sentenced to labour, from their place of confinement, to the place appointed for their working, and watch them while at labour, and return them before sun-down to the place of confinement, and if they should be found afterwards offending, such security may again be required, and for want thereof, the like proceedings may be again had from time to time, as often as may be necessary: to take care of, preserve, remove, designate and regulate, all burying grounds within the city: to license bakers, and regulate the weight and price of bread, and prohibit the baking for sale, except by those licensed.

Sec. 8. *And be it further enacted*, That the said Mayor, before he enters on the duties of his office, shall take an oath or affirmation, in the presence of the Board of Aldermen, "lawfully to execute the duties of his office, to the best of his skill and judgment, without favour or partiality;" and the said Mayor, and each of the said Aldermen, shall, *ex officio*, have and exercise the powers

Mayor to take an oath.

Mayor and Aldermen to be ex officio, Justices.

of a Justice of the Peace within the city of Mobile, so far only, as it relates to carrying into effect all the ordinances, by-laws, and regulations of the corporation. The Mayor shall nominate, and with the consent of a majority of the Aldermen appoint, to all offices under the corporation, except otherwise provided for, and any such officer shall be removed from office, on the concurrent remonstrance of two thirds of the Aldermen. He shall see that the laws of the corporation be duly executed, and shall report the negligence or misconduct of any officer to the board of Aldermen. He shall lay before the board of Aldermen, from time to time, in writing, such alterations in the laws of the corporation as he shall deem necessary or proper, and shall receive for his services, annually, a just and reasonable compensation, to be allowed and fixed by the board of Aldermen, which shall neither be increased nor diminished, during the period for which he shall have been elected —

Mayor to appoint subordinate officers. In case of the refusal of any Alderman to accept the office of Mayor, upon his election thereto, or of his death, resignation, inability, or removal from the city, the said board of Aldermen shall elect another in his place, to serve the remainder of the year.

To enforce by-laws &c

To state necessary alterations to the board.

His compensation

His office how filled in case of death &c

Mayor and Aldermen may levy tax, &c.

Proviso

Sec. 9. *And be it further enacted,* That the said Mayor and Aldermen shall have power to lay taxes, on both the personal and real estate within the city, as well as a poll tax upon all the inhabitants: *Provided,* that the said tax upon the personal and real estate, be laid in pursuance of an assessment and valuation of the said personal and real estate, to be made by some discreet person thereto appointed, as assessor, by the said corporation, and which said tax shall be laid in the manner following: The said assessment or valuation, when completed, containing all the property as well as the names of the owners thereof, shall be lodged with the clerk of the corporation; and the Mayor and Aldermen shall assess so many cents on the dollar, making no distinction as to any person, and which said assessment or valuation (together with the names of the persons liable to taxation) with the tax laid thereon, shall be open for inspection, to all and every person interested therein. And the Mayor and Aldermen shall give ten days public notice in some public newspaper, printed within the limits of the city of Mobile, that the said assessment or valuation, together with the tax laid thereon, is ready for inspection: and if any person shall be dissatisfied with the said assessment or valuation, or tax laid thereon, he, she, or they shall give notice to the Mayor, and the said Mayor shall convene the board of Aldermen, and notice the dissatisfied person or persons of the meeting, who shall have liberty to appear and be heard before the said meeting, touching his objections: and the said Mayor and Alder-

men shall take into consideration the objections be made, and shall have power to alter the assessment or valuation, together with the tax assessed thereon, as to them shall seem meet: but, their decision shall be final as to all questions or objections that may be brought before them, in reference to the said assessment or valuation, and the tax assessed thereon as aforesaid. And after twenty days have elapsed, from giving the notice, that the said valuation or assessment, together with the tax assessed thereon as aforesaid, are ready for public inspection, the said Mayor shall proceed to make out a tax list, annexed to which shall be a warrant directed to the collector of the corporation, containing the description of the real estate taxed, together with its valuation and the tax assessed thereon, and also the amount of the personal property valued or assessed to each person, together with the tax assessed thereon, and the name of each person liable to a poll-tax, with the amount of such poll-tax laid: and it shall be the duty of the said collector, to call on each person so taxed, if they can be found within the city, and leave a written notice of the amount of taxes due by such respective individual; and if, within six days after the said notice shall have been left with the said individual as aforesaid, the said tax shall not be paid to the said collector, the said collector shall proceed to distrain the personal property of such individual, by virtue of said warrant, and to advertise the same for sale, (by giving six days public notice, in some public newspaper printed within the city,) to the highest bidder at public auction; and if there be any overplus money, after paying the tax, and costs of seizure and sale, the said overplus shall be returned to the said person, whose personal property was seized and sold: and if the taxes on any real estate shall remain unpaid, for the space of ten days after the delivery of the tax list to the said collector, the said collector shall proceed to publish a descriptive list of the said real estate, together with the names of the owners, if known, as well as the valuation of the said real estate, together with the tax assessed thereon, for the space of two months, in some public newspaper, printed within the limits of the said city; and if at the expiration of the said two months the tax shall remain unpaid, the collector shall return the same to the clerk of the corporation: and the Mayor of the said corporation shall give one month public notice, by publishing in some public newspaper, printed within the limits of said city of Mobile, that the said real estate, or so much thereof as may be necessary to satisfy the tax or taxes, so remaining unpaid, will be sold at public auction to the highest bidder, to satisfy the said tax; and the said Mayor is hereby empowered to convey the said real estate, so sold, to the highest bidder,

by conveyances good and sufficient in law. And the said collector, in twenty days after the said warrant and tax list as aforesaid shall have been delivered to him, shall make return of his proceedings thereon, and pay over all monies collected by him, to the Treasurer of the said corporation, retaining so much as shall be allowed by the said Mayor and Aldermen, as a compensation for his services, and shall receive a receipt from the said Treasurer for the same : and at the expiration of the necessary notice, as to the real estate on which taxes shall remain unpaid, the said collector shall return his warrant to the clerk of the said corporation, together with a specific return of his proceedings thereon. And further, the said taxes, when collected and paid in, shall be appropriated by the said Mayor and Aldermen, for the benefit and improvement of said city, and the comfort, convenience, and safety of the inhabitants thereof: *Provided nevertheless*, that the taxes so to be levied and collected, shall not exceed in any one year, forty cents for every hundred dollars worth of property.

Provided

Duties of Physicians to be appointed

Sec. 10. *And be it further enacted.* That all Physicians who may be appointed by the said Mayor and Aldermen, to carry into effect their ordinances, in reference to the preservation of the health of the said city of Mobile, shall be obliged to give their opinions in writing, when thereto requested by the said Mayor and Aldermen, touching any contagious or malignant fever, prevailing within the said limits of the city of Mobile, or any disease, matter, or thing, which may affect the health or lives of the inhabitants of said city.

Mayor may issue process for breach of by-laws, etc.

Sec. 11. *And be it further enacted,* That the said Mayor or shall issue his process, as justice of the peace for the city of Mobile, for all offences committed under this act, and for breach of all or any of the by-laws and ordinances of the said corporation, to the police constables appointed by the said corporation, who shall bring the offenders, in pursuance of the said process, before the said Mayor ; and the said Mayor shall proceed to try the offenders, and examine all witnesses that may appear or be subpoenaed before him, both on the part of the corporation and the delinquent, and give judgment, as to him shall appear just and legal, and shall receive the same compensation for the same, as other justices of the peace for like duties : and if the said persons who may be brought before the said Mayor, shall be dissatisfied with the decision of the said Mayor, they may forthwith appeal to the circuit court, in all cases where the judgment shall exceed fifty dollars : and the said person or persons shall give a bond with good and sufficient security to pay and satisfy the judgment with costs, if confirmed, of the said Mayor, together with five dollars additional cost,

and the proceedings thereon shall be as are prescribed by law, in other cases of appeal.

Sec. 12. *And be it further enacted, That the said Mayor and Aldermen shall have power, to fix the compensations of all officers under this act, to be by them appointed* Mayor and Aldermen to fix compensation of officers

Sec. 13. *And be it further enacted, That the said collector, constables, and treasurer, appointed by the Mayor and Aldermen, before they enter on the duties of their respective offices, shall give bonds with good security, to the said Mayor and Aldermen in the penalty of five thousand dollars, conditioned for the true and faithful performance of the duties of their respective offices; and which said bond, for any breach of covenant, contained in said bond, may be prosecuted in the name of the said Mayor and Aldermen, as bonds usually are, which are given to incorporated bodies, in any court of record in the county of Mobile.* Collector, etc. to give bond

Sec. 14. *And be it further enacted, That all other acts, and parts of acts, heretofore enacted for the government of the town of Mobile, are hereby repealed: saving, so far as the said repeal may interfere with the unfinished business, commenced and progressing under the aforesaid acts.* Former acts repealed

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 17th, 1819.

(Signed)

WM. W. BIBB.

An act to digest the Laws of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Judges of the Circuit Courts, and the Attorney General of the State, be, and they are hereby appointed Commissioners, whose duty it shall be, to compile and digest, in a volume of convenient size, all the laws that are now in force in this State, leaving out all such acts, or parts of acts, that have been repealed, retaining their title and time of repeal; and it shall be the duty of said Commissioners, and they are hereby required, to prepare marginal notes containing an abbreviation of the substance of each page, which notes of abbreviation shall be printed on the margin of each page.* Judges and Attorney General to digest the laws

Sec 2. *And be it further enacted. That the said Commissioners shall make an index, referring to all the principal matters contained in the volume, which volume shall be* —make an index

entitled *The Laws of the State of Alabama*: and the Commissioners, or a majority of them, when assembled, are hereby directed to prepare such amendments as they may think the existing laws require, to be by them submitted to the next General Assembly.

Sec. 3. *And be it further enacted*, That it shall be the duty of the Judges and Attorney General aforesaid, in all acts containing technical phrases, or words in other than the English language, to translate the same.

Sec. 4. *And be it further enacted*, That the Commissioners are hereby required to insert in the digest, the Constitution of this State, and of the United States, together with the Declaration of Independence, and such acts of Congress as they may think necessary.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 17, 1819.

(Signed)

WM. W. BIBB.

An act to establish the seat of justice in Limestone county, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the permanent site for the seat of justice for Limestone county, is hereby established in the town of Athens.

Sec. 2. *And be it further enacted*, That Reuben Tilman, Thomas Redus, Jeremiah Tucker, Robert Pollock, and Samuel Hundby, be, and they are hereby appointed commissioners to superintend the public buildings for said county, under the directions of the county court.

Sec. 3. *And be it further enacted*, That all contracts the aforesaid commissioners have entered into, under the direction of the county court, shall be valid.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 3, 1819.

(Signed)

WM. W. BIBB.

An act to authorize the County Court of Dallas county, to levy a tax to pay for building a jail in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the County Court of Dallas county, at their first term after the first day of January next, be, and they are hereby authorized and empowered, to levy a tax to the amount of fifteen hundred and sixty dollars, upon the property and objects that are subject to a state tax: *Provide*, That the said court shall apportion said tax on the different objects, as nearly similar to that of the state tax, as may be convenient; which said county tax shall be collected by the Tax-Collector at the same time, and in the same manner, as the state tax, and shall be paid by the Collector into the hands of the County Treasurer, (subject to the order of the County Court,) at the same time the state tax will be required to be paid into the hands of the State Treasury; and the Tax-Collector shall be allowed the same per cent. for collecting the county as the state tax.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—November 27th, 1819.

(Signed)

WM. W. BIBB.

An act making appropriations for certain persons therein named, and continuing in office the present Trustees of school-lands in Madison county.

SECTION 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the sum of seventy-three dollars be, and the same is hereby allowed to John Boardman, for sundry printing done for the General Assembly, this session: and also, to William Leech, the sum of ten dollars, for making railing to the lobby of the House; also, to Jonas J. Bell, the sum of thirty-seven dollars, for stationary; also, to Samuel K. McGraw, the sum of forty dollars, for two stoves furnished the House of Representatives; also, to Daniel Rather, for sundry accounts of stationary, &c. one hundred and three dollars: also, to Glass & Hudnell, the sum of

J. Boardman

W. Leech

J. J. Bell

S. K. McGraw

D. Rather

Glass and Hudnell

F. Willis one hundred and fifty dollars and twenty-five cents, for tables &c for the General Assembly; also, to Pleasant Willis, the sum of twenty-five dollars, as rent of chairs by him furnished for the use of the House of Representatives; also,
J. H. Dunn to John K. Dunn, the sum of one hundred and fifty-one dollars ninety-three and three-fourth cents, for preparing and furnishing the Senate chamber with chairs and other articles; to Benjamin B. Jones, a delegate from Lauderdale to the Territorial Legislature in eighteen hundred and eighteen, two hundred and forty-two dollars and fifty cents;
B. B. Jones to Lewis Dillahunt, a delegate from the county of Lawrence in the Territorial Legislature for the year eighteen hundred and eighteen, the sum of two hundred dollars.
L. Dillahunt

Governor authorized to rent a building for state papers at Cahawba Sec. 2. *And be it further enacted,* That the Governor be, and he is hereby authorized, to rent a suitable building in the town of Cahawba, for the reception and safe-keeping of State papers: and that the Governor draw on the contingent fund, for that sum of money which will be sufficient to compensate for the use of such building, until a proper apartment shall have been completed, within the temporary state building, for the reception of the state papers: and that the Governor also draw on the fund aforesaid, for that sum of money which will be sufficient to pay for office rent at Huntsville.

Trustees of school-lands in Madison county to continue in office Sec. 3 *And be it further enacted,* That the present trustees, or a majority of them, of the School-land of the county of Madison, be continued in office, until superseded by the commissioners hereafter to be appointed by law, who shall be authorized to rent for one year, the lands of, and employ teachers for, their respective townships: which trustees, when superseded, shall deliver to their successors in office, all bonds, notes, &c. belonging to the townships

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 17. 1819.

(Signed)

WM. W. BIBB.

An act providing for the payment of Irby Jones.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Irby Jones be, and he is hereby, allowed, the sum of one hundred and fifty dollars for the use of his house, whilst occupied by the House of Representatives.

Sec. 2. *And be it further enacted.* That the comptroller of accounts be, and he is hereby, required to audit, and the Treasurer is hereby required to pay, the aforesaid amount of one hundred and fifty dollars

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved — December 13, 1819.

(Signed)

WM. W. BIBB.

An act to authorize the administratrix and administrator of Daniel W. Michaux, deceased, to sell certain real estate therein named.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Eliza F. Michaux, administratrix, and Robert G Moseley, administrator, of Daniel W. Michaux, deceased, be, and they are hereby authorized, to sell the certificates of the southwest quarter of section number twenty-eight, the southeast quarter of section number twenty-nine, and the east half of the the northwest quarter of section number thirty-three, in township number four of range number seven west, in Madison district, belonging to the estate of Daniel W. Michaux, deceased, on such terms as they may deem most advantageous, taking bond with sufficient security, for the true and faithful payment of the consideration: *Provided,* That thirty days notice be given of the time of sale, and that the same be sold at public auction, at the court house of the county in which said real estate may lie.

Sec. 2. *And be it further enacted,* That the said administratrix and administrator are hereby authorized and empowered, on the sale of such certificates, to make or cause to be made to the purchaser or purchasers, as the case may be, of the same, a conveyance of such title as the said decedant had or was entitled to: which conveyance shall be equally valid and binding, as if the same had been made by the said decedant in his lifetime.

Sec. 3. *Be it further enacted,* That said administratrix and administrator shall, before the sale of the lands herein before authorized to be sold, enter into bond with sufficient security, payable to the Chief Justice of the Orphans Court of the county in which said lands are situated, for

the disposition of the money arising from the sale of said lands, agreeably to the existing laws regulating the distribution of the personal effects of deceased persons.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—November 22, 1819.

(Signed)

WM. W. BIBB.

An act to authorize the administrator of Thomas Garretson, deceased, to sell certain real estate.

Section 1 *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the administrator of Thomas Garretson, deceased, be, and he is hereby authorized, to sell the undivided moiety of a certain lot or parcel of land in the town of St. Stephens, of which said lot or parcel of land, the said Thomas Garretson, deceased, and James C. Gamble, were tenants in common, on such terms as he may deem most advantageous, taking bond with good and sufficient security, for the payment of the condition: *Provided*, thirty days notice be given of the time of sale: and that said land be sold at public auction, at the town of St. Stephens.

Sec. 2. *And be it further enacted,* That the said administrator is hereby authorized and empowered, on the sale of said real estate, to make or cause to be made, to the purchaser or purchasers thereof, as the case may be, a conveyance of such title as the said deceased had, or was entitled to; which conveyance shall be equally valid and binding, as if the same had been made by the said decedant in his lifetime.

Sec. 3. *And be it further enacted,* That said administrator shall, before the sale of the lands herein before authorized to be sold, enter into bond with good and sufficient security, to the Chief Justice of the Orphans Court of Washington county, for the disposition of the monies arising from the sale of said real estate, agreeably to the existing laws regulating the distribution of the personal effects of deceased persons.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—November 27, 1819.

(Signed)

WM. W. BIBB.

An act to authorize the administratrix and administrators of James Hargrove, deceased, to sell a certain quarter section of land.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That* Macy Hargrove, administratrix, and William Hargrove, Benjamin Hargrove, and Andrew M. Hargrove, administrators of James Hargrove, deceased, be, and they are hereby authorized to sell at public auction (giving at least thirty days public notice thereof,) the northeast quarter of section number two, in township two, range numbered three, west of the basis meridian, of Madison county: taking bond with approved security for the true and faithful payment of the same

Sec. 2 *And be it further enacted, That* the said administratrix and administrators are hereby authorized and empowered, on the sale of said quarter section of land, to make or cause to be made, to the purchaser of the same, a conveyance of such title as the said decedant had, or was entitled to: which conveyance shall be equally valid and binding, as if the same had been made by the said decedant in his lifetime.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 16, 1819.

(Signed)

WM. W. BIBB.

An act to authorize the administratrix of Josiah Wood, deceased, and Edmund I. Baily, to sell certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That* Susanna Wood, administratrix of Josiah Wood, deceased, late of Lauderdale county, and Edmund I. Baily of the county aforesaid, be, and they are hereby authorized and empowered, to sell all or any number of certificates of certain land situated in the aforesaid county of Lauderdale, which were purchased at the land sales at Huntsville, by the said Josiah Wood and Edmund I. Baily in partnership, on such terms as they may deem most advan-

rageous, taking bond with sufficient security, for the true and faithful payment of the consideration: *Provided*, that thirty days notice be given in some public paper published in this State of the time of sale, and that the same shall be sold at public auction on the premises.

Sec. 2 *And be it further enacted*, That the said administratrix and Edmund I. Baily, be, and they are hereby authorized, on the sale of such certificates, to make or cause to be made, to the purchaser or purchasers as the case may be, a legal transfer of the same: Which transfer shall be equally binding and valid, as if the same had been made in the lifetime of the said deceased, by him and said Baily.

Sec. 3 *And be it further enacted*, That the said administratrix shall, before the sale of the lands or certificates herein before authorized to be sold, enter into bond with sufficient security, payable to the chairman or chief justice of the county court of Lauderdale, for the disposition of one half the money arising from the sale of said lands or certificates, agreeable to the existing laws regulating the distribution of the personal effects of those who die intestate.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB.

President of the Senate.

Approved—December 13, 1819.

(Signed)

WM. W. BIBB.

An act authorizing William Russell, senior, and Joshua Gotcher, to sell certain lands therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That William Russell, senior, and Joshua Gotcher, of Franklin county, within the State aforesaid, (they being the lawful qualified administrators on the estate of Abraham Beaty, late of said county, deceased,) be, and they or either of them are hereby authorized to sell two quarter sections of land, to wit: the southwest and northwest quarter sections of section nine, township six, range eleven, west of the basis meridian, within the county of Franklin aforesaid, for the benefit of those persons lawfully interested in the estate of the said Abraham Beaty: when the lands aforesaid are sold, the certificates issued from the United States land office for the same shall, by the said William Russell, senior, and Joshua Gotcher, or

either of them, acting as administrator or administrators as aforesaid, be transferred to the person or persons, to whom the said tract or tracts of land shall be sold: *Provided*, That said sale be made and had at the court house of the county in which the land may lie, and that at public auction, to the highest bidder; which transfer, resulting from an honest and fair sale, shall be as exclusively lawful and efficient to the purchaser or purchasers, and their heirs and assigns, forever, as if the same had been done by the said Abraham Beaty in his lifetime, for a valuable consideration: *Provided*, That the said William Russell, senior, and Joshua Gotcher, or either of them, shall, by publication in some printed newspaper published in the adjacent county, and by advertisement at three of the most public places in said county of Franklin, fairly setting forth the quality and situation of the land aforesaid, give forty days notice of such intended sales; the proceeds of which sales shall, by the said Russell and Gotcher, or either of them, be appropriated to the payment of the debts due from said estate, and the surplus, if any, shall be paid over to the lawfully qualified representatives of the said deceased.

Sec. 2. *Be it further enacted*, That said administrators shall, before the sale of the lands herein before authorized to be sold, enter into bond with sufficient security, payable to the Chief Justice of the Orphans Court of the county in which said lands are situated, for the disposition of the money arising from the sale of said lands, agreeably to the existing laws regulating the distribution of the personal effects of deceased persons.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—November 26, 1819.

(Signed)

WM. W. BIBB.

An act to authorize the administrator and administratrix of John Childress, deceased, to sell real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Samuel B. Marshall, administrator, and Elizabeth Childress, administratrix, of John Childress, late of Davidson county, state of Tennessee, deceased, be, and they are hereby authorized and empowered, to sell all or any number of certificates of certain lands situated in

this State, belonging to the estate of said decedant, on such terms as they may deem most advantageous, taking bond with sufficient security for the true and faithful payment of the consideration: *Provided*, That thirty days notice be given, in some public paper published in this State, of the time of sale. and that the same be sold at public auction at the court house of the county or counties in which the real estate may lie.

Sec. 2. *And be it further enacted*, That the said administrator and administratrix be, and they are hereby authorized, on the sale of such certificates, to make or cause to be made, to the purchaser or purchasers, as the case may be, a legal transfer of the same; which transfer shall be equally valid and binding, as if the same had been made by the said decedant in his life-time.

Sec. 3. *And be it further enacted*, That the said administrator and administratrix shall, before the sale of the lands herein before authorized to be sold, enter into bond with sufficient security, payable to the Chief Justice of the Orphan's court of the county in which said lands are situated, for the disposition of the money arising from the sale of said lands, agreeably to the existing laws regulating the distribution of the personal effects of deceased persons.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 3, 1819.

(Signed)

WM. W. BIBB.

An act to authorize John Smith, senior, to make a title to certain land therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That John Smith, senior, of Madison county, administrator of John Robins, deceased, be, and he is hereby authorized and empowered, to make, seal, sign, and deliver, as administrator aforesaid, a good and lawful title to fifty acres of land, situated in the aforesaid county of Madison, in the southwest quarter section number two, in township number two, and range number one, east, in conformity to a bond given by the said deceased, to Isaac Griffith for the conveyance of the same, and which has been sundry times transferred.

Sec. 2. *And be it further enacted*, That it shall and may be lawful for the said John Smith, as administrator, to

make and perfect a title to the aforesaid land, unto the legal owner and holder of said bond, which title, when so made, shall be as good and valid as if made and perfected by the said John Robins in his lifetime.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—Dec. 17, 1819.

(Signed)

WM. W. BIBB.

An act to authorize Alle Kyle to make title to Jonathan Sanderlin, to a certain tract of land.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Alle Kyle of the county of Lawrence be, and she is hereby authorized and empowered, to make a title in fee-simple by deed of conveyance, to Jonathan Sanderlin of the county of Cota o, to a certain quarter section of land, lying and being in said Cotaco, it being the north-east quarter of section number twenty-two, in township seven, range five, west of the basis meridian: which said deed when made, shall convey all the right, title, or interest, which the said Alle Kyle, or the heirs or legal representatives of John Kyle, deceased, have or could claim to the said quarter section of land.*

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—November 22, 1819.

(Signed)

WM. W. BIBB.

An act for the relief of Rebecca Ann Bondurant.

SECTION 1 *BE it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Rebecca Ann Bondurant be, and she is hereby authorized, to contract with John Vining of the county of Madison, upon any terms that she may think proper, and to which said Vining may agree, for the rescinding of a contract for a tract of land lying in the said*

county, which was contracted for by her deceased husband, Robert M. Bondurant; which agreement shall be good and valid in law, any thing to the contrary notwithstanding.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 16th, 1819.

(Signed)

WM. W. BIBB.

An act for the relief of Lucretia Stammers, of Madison county, widow of Henry Stammers, deceased.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Lucretia Stammers be, and she is hereby, authorized and empowered to hold and retain in her possession, the tract of land containing two hundred acres, and a negro man-slave named Green, owned by her husband at the time of his death, until the oldest child of the deceased Henry Stammers shall arrive at the age of twenty-one years.

Sec. 2. *Be it further enacted,* That, to entitle the said Lucretia Stammers to the benefit of the first section of this act, she shall enter into bond in such amount with such security as shall be approved by the County Court; conditioned, that she will apply the proceeds, arising from the said tract of land and negro man-slave Green, to the support of herself and the seven children of the said Henry Stammers, deceased.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 16, 1819.

(Signed)

WM. W. BIBB.

An act to authorize Thomas Johnson to manumit a certain person of colour therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Thomas Johnson of the county of Madison

be, and he is hereby authorized and empowered, to manumit and set free from slavery, a certain boy of colour named Martin, so soon as the said Martin arrives to the age of twenty-one years. *Provided*, That the said Thomas Johnson shall, on or before that time, enter into bond to the chairman or chief justice of Madison county, in the sum of five hundred dollars: conditioned, that the said Martin, so liberated, shall not become chargeable to the public.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—December 4, 1819.

(Signed)

WM. W. BIBB.

An act to authorize Cesar Kennedy to manumit certain of his slaves therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Cesar Kennedy, a free man of colour, of the town of Huntsville, and county of Madison, be, and he is hereby authorized to manumit and set free his wife Hannah, and her seven children, Maria, John, Mary-Ann, William, Cesar, Rossell, and Thomas, so soon as the said Cesar Kennedy shall have executed to the chief justice or chairman of the county court of Madison county, and his successors in office, a bond with sufficient security, to be approved by said court: conditioned, that the said slaves, Hannah and her seven children, Maria, John, Mary-Ann, William, Cesar, Rossell and Thomas, shall never become chargeable to the State of Alabama, or any county or town therein.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—December 13, 1819.

(Signed)

WM. W. BIBB.

An act to authorize John Bethaney to emancipate certain slaves therein named.

SECTION 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly*

convened. That John Bethaney of the county of Clarke be, and he is hereby authorized to emancipate the following slaves, to wit—Lydia, a black woman, thirty-five years old; Eliza, a mulatto, aged twenty-three; Elizabeth, a mulatto, aged nineteen; William, a mulatto, aged seventeen; Daniel, a mulatto, aged fourteen; Amelia, a mulatto, aged seven; Margaret, a mulatto, aged three; and Lemuel, a quarteroon, aged one year, so soon as the said John Bethaney shall have executed to the justices of the county court of Clarke and their successors in office, a bond with sufficient security, to be approved by the said court: conditioned, that the aforesaid slaves shall never become chargeable to the state of Alabama, or any county or town therein.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—November 27th, 1819.

(Signed)

WM. W. BIBB.

A Resolution of thanks to James Monroe, President of the United States.

RESOLVED, That the thanks of the Senate and House of Representatives of the State of Alabama, in General Assembly convened, be presented to his Excellency James Monroe, President of the United States, for the dignified and useful course he has pursued as Chief Magistrate of the Union.

RESOLVED, That the Governor of this State be requested to transmit a copy of the above resolution to the President of the United States.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 17th, 1819.

(Signed)

WM. W. BIBB.

A Resolution to obtain the establishment of additional Land Offices in this State.

WHEREAS, great inconvenience and expense will accrue to the citizens of the counties of Blount, Marion, Tuska-

loosa, and Marengo, by being compelled to attend distant sales, to purchase the lands upon which they live; and as by procuring a Land Office at Tuscaloosa, the most central place of the unsold lands in the western part of this State, would obviate this inconvenience and extraordinary expense, and by this means promote the interests of a large portion of our citizens, without damage to others, therefore

BE IT RESOLVED, By the Senate and House of Representatives of the State of Alabama, in General Assembly convened, that the Senators and Representatives in Congress from this State, be, and they are hereby requested, to make use of their influence, to procure a Land Office at the town of Tuscaloosa, and at Conecuh court house, in this State, for the purpose of disposing of the public lands, more convenient to those places than other land offices in this State.

And be it further Resolved, That they be, and they are hereby, also requested, to endeavour to have it enacted by the Congress of the United States, *that when any lands are sold in this State, after the month of March in each year, in the possession of any occupant or occupants, he, she, or they, shall not be dispossessed, until they shall have made and gathered their crops: Provided, that be done by the last of December in the same year.*

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—December 15, 1819.

(Signed)

WM. W. BIBB.

A Resolution authorizing the Governor to effect a loan from certain banks for the purposes of the State.

RESOLVED, By the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Governor of this State is hereby authorized to procure from the Planters and Merchants Bank of Huntsville, or from the Tombeckbe Bank, a loan or loans of money, not exceeding twenty thousand dollars, for the use and benefit of the State of Alabama, which loan shall be accomplished in such sums, and at such times, as will answer the purposes of the State, after the passage of this Resolution.

And be it further Resolved, That the Governor is hereby authorized, to pledge so much of the Revenue, to be raised

for the year eighteen hundred and twenty, as will be sufficient to discharge said loan, on or before the first day of January, eighteen hundred and twenty-one.

And be it further Resolved, That this Resolution shall take effect, from and after the passage thereof

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate

Approved—December 13, 1819.

(Signed)

WM. W. BIBB.

A Resolution vesting the Governor with the authority to settle the accounts between this State and the Mississippi State.

RESOLVED, By the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Governor be, and he is hereby authorized, to adjust and settle the accounts existing between this State and the State of Mississippi, in such manner, and on such principles, as in his judgment, may be conformable to the intent and meaning of the ninth section of the act of Congress, establishing a separate Territorial government for the eastern part of the Mississippi Territory.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 13, 1819.

(Signed)

WM. W. BIBB.

Resolution. to regulate elections by the General Assembly of this State.

RESOLVED, By the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That in all elections by the General Assembly, the votes shall be given for one election only, at the same time : and that a majority of the whole number of votes, shall be necessary to a choice : that the members of both Houses will assemble in the Representative Chamber, and the names of the members of each House shall be called by their respective Clerks : whereupon, the President of the Senate

and Speaker of the House of Representatives, shall ascertain the result, which shall be announced by the Speaker of the House of Representatives

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—October 28, 1819.

(Signed)

WM. W. BIBB.

A Resolution for contracting for public Printing.

RESOLVED. By the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the joint committee appointed to contract for the public printing, be instructed to contract for the printing of two thousand copies of the acts of the General Assembly, and seven hundred copies of the Journals of the Senate, and seven hundred copies of the Journals of the House of Representatives, and also five hundred copies of the Militia and Patrol laws.

(Signed)

JAMES DELLET,

Speaker of the House of Representatives.

THOMAS BIBB,

President of the Senate.

Approved—December 3d, 1819.

(Signed)

WM. W. BIBB.

A Resolution authorizing the Secretary of State to contract for public Printing, and for other purposes.

RESOLVED, By the Senate and House of Representatives of the State of Alabama, in General Assembly convened, that the Secretary of State be, and he is hereby authorized and directed, to contract for the printing and distribution of the Journals and Acts of both Houses of the present session of the General Assembly, and two thousand copies of the report of the Auditor of Public Accounts and Treasurer, made to the Legislature at the present session, including the communication of the Auditor of Public Accounts, made in pursuance of a resolution of the Senate, in relation to the outstanding debts due the State at Cahawba or

elsewhere, as may most conduce to the interest of the State; and that the Comptroller of Public Accounts, on the certificate of the Secretary, shall issue his warrant on the treasury for the amount contracted for by the Secretary, as aforesaid.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—December 17, 1819.

(Signed)

WM. W. BIBB.

A Resolution authorizing Daniel Rather to sell certain public property therein named.

RESOLVED, By the Senate and House of Representatives of the State of Alabama, in General Assembly convened. That Daniel Rather be, and he is hereby authorized, as soon as may be after the rising of the General Assembly, to sell at public outcry, the Tables, Stoves, and other furniture, which have been procured for the use of both Houses: and after deducting from the amount of sales, such sums as may be necessary to defray charges thereon, pay over the balance into the treasury.

(Signed)

JAMES DELLET,
Speaker of the House of Representatives.
THOMAS BIBB,
President of the Senate.

Approved—December 16, 1819.

(Signed)

WM. W. BIBB

ERRATUM.

Page 121, in the act to incorporate the town of Courtland, fifth line, for "place" read "plan."

INDEX.

	Page.		Page
<i>Abate ments</i> —plea of	7	<i>Courts</i> —Supreme—by whom holden	10
<i>Accounts</i> —Governor to settle, between this State and Mississippi	148	to appoint a clerk	12
<i>Adjournments</i>	5, 10	<i>General</i> —	
<i>Adjutant-General</i> —how elected	19	causes in, how transferred	11
rank and duty	22	writs issued from, how re-	
<i>Administrators</i> —of D. W. Michaux	137	turnable	11
Thomas Garretson	138	<i>Circuit</i> —when holden	3, 4
James Hargrove	139	jurisdiction of	4, 9
Josiah Wood	ib.	<i>Inferior</i> —when holden	12, 13
Abraham Beaty	140	jurisdiction of	13
John Childress	141	<i>Martial</i> —	
<i>Aids-de-Camp</i> —how appointed and duty	19	how detailed	21
<i>Appeals</i> —from Circuit Court	9	Regimental, how organized	27
County Court	14	Battalion,	ib.
reasons certified	ib.	Brigade,	31
from justice of peace	15	Company,	32
<i>Appropriations</i> —to officers of state	96	<i>Criminals</i> —day for trial	8
contingent fund	ib.	excluded from suffrage	67
to certain persons	135	<i>Dallas</i> —county court to lay a tax	135
<i>Arbitration</i> —act concerning	58	<i>Declaration</i> —when to be filed	5
<i>Arms</i> —act concerning	75	<i>Deeds</i> —probate of	87
exempt from seizure	31	<i>Digest</i>	133
<i>Arrest</i> —exempts from	38	<i>Dower</i> —relinquishment of	87
<i>Artillery</i> —number of	29	<i>Drills</i>	21
<i>Assessor and Tax Collector</i> —		<i>Duelling</i> —act to suppress	64
how appointed	43	<i>Elections</i> —militia, how contested	30
to give bond	44	regulated, and precincts	38
their duty	57	when held in new counties	56
Lauderdale county, relief of	103	by whom conducted	ib.
<i>Assignment</i> —how denied	15	in Jackson county	80
<i>Attorney General</i> —duty and emoluments	46	criminals excluded	67
<i>Attornies and Counsellors</i> —act concerning	68	manner in General Assembly	143
<i>Auctioneers</i> —how appointed	43	<i>Equity</i> —jurisdiction	9
<i>Aulauga county</i> —levy tax	40	<i>Error</i> —writ of	10, 11
<i>Battalion</i> —commanded by Major	34	how prosecuted	14
<i>Bethaney, John</i> —manumit slaves	45	<i>Ferries</i> —act concerning	73
<i>Blakely</i> —elections at	41	<i>Fines</i> —militia, how assessed	25
<i>Bondurant, Rebecca Ann</i> —relief of	143	how collected	27
<i>Bridge</i> —at Cahawba	85	<i>Forcible entry and Detainer</i>	16
<i>Cahawba</i> —sale of lots	84	<i>Generals</i> —how elected	19
government of	118	<i>Huntsville</i> —corporation extended	108
<i>Captains</i> —how elected	19	additional commissioners	ib.
<i>Cavalry</i> —number of	29	<i>Idiots and Lunatics</i>	14
<i>Census</i> —by whom taken	44	<i>Inspections</i> —act concerning	81
<i>Clerks</i> —give bond	9	<i>Interest</i> —act repealed	67
how removed	70	act concerning	48—50
acts of, valid	17	<i>Johnson, Thomas</i> —manumit slave	144
<i>Claiborne</i> —incorporation	122	<i>Jones, Irby</i> —payment of	134
<i>Coffeeville</i> —incorporation	109	<i>Judges</i> —opinion, to be filed	11
<i>Colonel</i> —how elected, and duty	19	to interchange	7
<i>Compensation</i> —Members of Assembly	96	<i>Judge Advocate</i> —how appointed	27
<i>Comptroller</i> —duty of	47	<i>Jury</i> —how summoned	15
<i>Constables</i> —how elected	42	<i>Justice</i> —chief—how elected, and powers	16
<i>Continuances</i>	5	Peace—how elected	42
<i>Coroner</i> —how appointed	43		
<i>Counties</i> —established	50, 55		
<i>Courtland</i> —established	121		

Page.		Page	
<i>Kennedy, Cesar</i> —manumit slaves	89	<i>Revenue</i> —act to raise	89
<i>Kyle, Alle</i> —authorized to make title	143	<i>Reviso</i> —bill of	9
<i>Lands</i> —an act concerning	89	<i>Rivers</i> —an act to examine	91
resolution to obtain additional		<i>Roads</i> —John Byler authorized to estab-	
land offices	146	lish turnpike	76
<i>Laws</i> —to be digested	133	an act to lay out	80
<i>Leases</i> —(See <i>School lands</i>)		from Falls Tuskaloosa	92
<i>Loan</i> —Governor to effect	147	an act respecting	93
<i>Lottery</i> —benefit of Madison and Alaba-		<i>Russellville</i> —incorporated	113
ma Lodge	98	<i>Salaries</i> —an act affixing	86
<i>Lumber</i> —inspection of	81	<i>Sales Public Lands</i> —to prevent frauds	71
<i>Lunacy</i> —(See <i>idiots and lunatics</i>)		<i>Salt Springs</i> —act to lease	80
how ascertained	15	<i>School Lands</i> —how leased	60
<i>Militia</i> —who liable to do duty	17	in Madison county	135
uniform of	31	<i>Seats of justice</i> —Madison county (temporary)	40
<i>Mobile</i> —incorporated	123	St. Clair county	41
<i>Montgomery</i> —incorporated	110	commissioners author-	
<i>Moulton</i> —incorporated	115	ized to purchase land for	68
<i>Navigation</i> —an act to prevent obstruc-		Lawrence county	97
tion of	93	Cahawba	102
an act to examine certain		Franklin	104
rivers	93	Autauga	117
<i>Notary Public</i> —how appointed	43	Limestone	134
<i>Oaths</i> —manner of administering	85	Cotaco	113
<i>Patrols</i> —regulated	35	<i>Secretary of State</i> —	
<i>Pilot's</i> —an act for the appointment of	69	duty, and emoluments of	46
<i>Pleadings</i> —when to be made up	6	<i>Sentences, Courts Martial</i> —affecting life	33
<i>Practice</i> —rules of, be established	11	<i>Sheriffs</i> —to give bond—and duty	41, 45
same in county court as circuit	14	<i>Slaves</i> —runaway, how disposed of	36
<i>President of U. S.</i> —Resolution of thanks	146	persons harboring, how treated	37, 38
<i>Printing, Public</i> —committee to contract	149	the trial of	88
Secretary of State to		<i>Solicitors</i> —duty and emoluments	46
contract for	149	<i>Sommerville</i> —incorporated	113
<i>Proceedings</i> —to be recorded, and order of	7	<i>Smith, John</i> —authorized to make title	142
<i>Process</i> —(See <i>Writ</i>)		<i>Stemmers, Lucretia</i> —relief of	144
returnable to circuit court	8	<i>Strays</i> —an act concerning	78
<i>Public Lands</i> —see <i>Sales</i> .		<i>Substitutes</i> —how furnished	28
<i>Public Offices</i> —to be removed	79	<i>Surrogors</i> —how appointed	43
<i>Public property</i> —in Huntsville, to sell	150	<i>Treasurer</i> —State, duty of	47
<i>Quarter-Master General</i> —how elected	19	County, how appointed	43
rank and duty of	22	<i>Triana</i> —incorporated	113
<i>Quakers</i> —exempt from bearing arms	33	<i>Tuskaloosa</i> —incorporated	106
<i>Ranger</i> —duty how performed	78	<i>University</i>	60
<i>Records</i> —to be read	9	<i>Vacancies</i> —constable, how filled	42, 46
County Courts how transferred	16	<i>Venue</i> —change of	8
Circuit Courts how transferred	ib.	<i>Volunteers</i> —how enrolled	33
<i>Religious Societies</i> —incorporated	100	<i>Wolves and Panthers</i> —premium for killing	101
		<i>Writs</i> —how issued and when returnable	5